

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 claimant is expected to testify in all Petitions at the first hearing with the exception of Petition to Compel or Penalty Petition where no testimony will be taken at the first event.

a. List any documents required at the first event:

No documents are to be uploaded without prior approval from the Judge at a hearing with the exception of settlement documents

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

Exhibits

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

Counsel are asked at the first listing how they wish to proceed. The court will decide based on feedback how the case will proceed. No documents are to be uploaded without prior approval from the Judge at a hearing with the exception of settlement documents.

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

Yes, for good cause.

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

All first hearings will be conducted via video with live testimony at the final listing. If there is an illness that requires immediate live testimony, that will be considered. If there are voluminous documents for direct or cross-examination of a witness that cannot be exchanged before the hearing this will be taken into consideration.

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

All matters other than the final list are to be held by audio or video except as outlined above.

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

Will call counsel's office and assess the situation. If good cause is shown, another hearing will be scheduled.

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

No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

a. Will testimony be heard?

Yes, but it is not required. Parties may submit Affidavits and take a discovery deposition.

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

Yes

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

If there is new medical evidence

d. Do you generally use written orders for denials?

Yes, generally all supersedeas requests will have a written Interlocutory Order

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

A Contingent Fee Agreement

f. Describe any other procedures for supersedeas hearings:

No documents are to be uploaded without prior approval from the Judge at a hearing with the exception of settlement documents.

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

Not applicable

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

The claimant should be on video, if at all possible, for all first hearing testimony. The claimant should be available for live testimony at the last hearing. All documents that are going to be utilized during the testimony shall be exchanged one week before the hearing. If the Judge will be required to see the exhibits, a Miscellaneous request may be filed for prior approval to upload the documents.

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

The first hearing will be virtual with testimony to be taken. Leave will be granted to take deposition testimony in lieu of live first hearing testimony upon request. Live testimony will be reserved for the last listing except for good cause shown.

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

See above.

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? Counsel should advise this Judge at the first hearing who other than the claimant will be testifying and in what manner.

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

Whoever filed the first petition has the burden of going forward.

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

The defendant should obtain and upload all Bureau documents. No documents are to be uploaded without prior approval from the Judge at a hearing with the exception of settlement documents and/or an executed Fee Agreement.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? No documents are to be uploaded without prior approval from the Judge at a hearing with the exception of settlement documents. **If before, how far in advance of the hearing must they be uploaded?** No documents are to be uploaded without prior approval from the Judge at a hearing with the exception of settlement documents.

8. When will you rule on objections to exhibits?

When presented at the last hearing unless a telephone conference is requested.

9. What is your procedure for handling discovery disputes?

The parties should put in a Miscellaneous Request for a hearing.

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

With post-trial submissions.

COMPROMISE & RELEASES (C&Rs)

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

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. This Judge will allow amendments to existing petitions if an existing petition is to remain open, a new C&R Petition may be required consult Judge's office if in doubt.

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?

No

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

The parties should upload all settlement documents as Exhibits three days in advance of the hearing when possible.

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

Yes. As should the Waiver of Appeal

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

Yes.

f. Will you sign bench orders?

Yes

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

Not applicable.

STIPULATIONS RESOLVING DISPUTES

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

Counsel should upload the Stipulation as an Exhibit for review. A Request to review same should be accompanied in WCAIS. The Request shall inform the Judge if the Stipulation resolves all outstanding issues. If not, the parties are to inform the judge of the issues left to be decided

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

A separate Exhibit.

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

If applicable, yes, a separate exhibit

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

The exhibits which are being relied upon in the Stipulation should be attached.

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

Attached to the stipulation as an exhibit.

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

When uploaded into WCAIS as an Exhibit

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?

Final Hearing is required as is a Stipulated List of Evidence signed by the parties that shall be uploaded prior to the last listing for Judge's approval. Said Stipulation will be marked as a Judge's Exhibit and entered into the record. Failure to upload the Stipulation of Evidence will result in the matter being relisted for another hearing.

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

Neutral Findings of Fact are required. The Findings must address all evidence of record. This includes, but it is not limited to, addressing both direct and cross-examination of all witnesses in full.

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

This Judge's format is well established. Exhibits and testimony should be addressed in one paragraph per item with subparagraphs underneath. If you are in doubt as to format, contact the Judges office for assistance.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Pittsburgh, Harrisburg, Reading and Bristol. Voluntary Mediation requests will be entertained for cases Commonwealth-wide.

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

All mediations will be conducted virtually unless the parties specifically request an in person. Such decisions will be entertained on a case-by-case basis.

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

See above.

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 parties need to agree on the method of the mediation. At this time, hybrids will not be permitted unless for good cause shown.

5. Do you require a Mediation Statement? Yes If yes: [MEDIATION DISCLOSURE REPORT](#)

a. What information do you require in that Statement?

This Judge has a form that must be filled in and uploaded seven (7) days prior to the mediation. Failure to do so may result in the rescheduling of the Mediation.

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

The parties are free to attach any documentation they feel might aid this Judge.

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

Seven days prior to the mediation

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes If so, how long until it is rescheduled? This Judge's preference is that the parties contact her office to obtain a new date/time prior to requesting a postponement.

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

Yes. It is not uncommon for a matter to require multiple mediations. Follow up telephone conference will also be schedule if it is of benefit to the parties.

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

One week except for bad weather or emergency so slot can be filled.

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

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes

2. How should the parties request a Voluntary Mediation?

Through WCAIS

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

Commonwealth-wide

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

Yes, see above.

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

Yes. If the parties agree that they will not ask me to recuse myself if the matter does not settle.

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. Under special circumstances and prior approval as required.

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

All mediations will be held virtually unless in person is requested. Said cases will be decided on a case-by-case basis

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

See above

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

The parties should agree to one method. A hybrid will be decided on a case-by-case basis.

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

a. What information do you require in that Statement?

See [Mandatory Mediation response](#).

What documents, if any, must accompany the Statement?

See [Mandatory Mediation response](#).

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

Seven days

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

90 days or before, depending on schedule availability

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

Yes, see [Mandatory Mediation response](#).

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?

Me

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

One week

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

REQUESTS/MISCELLANEOUS

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

Requests will be entertained as tasks not letters in WCAIS unless an emergency one week in advance.

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

Telephone conferences are normally held on Mondays. Contact Judge's office with appropriate time for both parties

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

Faxes and e-mails accepted.

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

The times will be strictly adhered to unless there is no event following your event. Should additional time be required, this Judge will schedule the matter at a future time upon agreement of counsel.

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

Contact the Judges' office telephone or via email

- 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.)?**

This Judge follows the procedures set forth for the Western District