

[WCOA-Judges-Office-Contacts \(pa.gov\)](http://www.wcoa-judges-office-contacts.pa.gov)

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?

Pre-trial conference to look at facts and legal issues.

a. List any documents required at the first event:

First hearing filing.

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

Exhibits, including Fee Agreements and any Supersedeas evidence.

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

Serial. Generally, there will be an initial pre-trial conference. Additional pre-trials will be scheduled for newly filed petitions unless counsel request otherwise. **IMPORTANT:** If the record is scheduled to close, or a briefing schedule has been issued, counsel are to advise this WCJ whether the same should be suspended for a pre-trial on the new Petition.

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

Yes; however, said request, like all requests, must be filed under the "Requests" tab of the dispute page to be considered.

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

This WCJ will schedule in-person hearings for various reasons, including but not limited to viewing of video evidence; viewing disfigurement; taking testimony with an interpreter present, with the exception of Compromise and Release hearings; if Claimant cannot testify via Microsoft Teams; or if requested by one or more parties.

Requests made by counsel for in-person hearings will be granted.

IMPORTANT: All requests for in-person hearings must be filed under the "Requests" tab of the matter's WCAIS dispute page for consideration.

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

Audio with video is the default procedure so that this WCJ may assess the credibility of any witnesses. If a witness is testifying, their respective counsel is to ensure they can appear via video. Barring witnesses, the parties are only excused from appearing via video if the same is impossible.

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

Procedure is to relist within approximately in a month, but this WCJ may dismiss or grant the petition(s) depending on the circumstances.

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

No.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

See below.

a. Will testimony be heard?

Yes.

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

Yes.

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

New evidence.

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 and proof of services must be uploaded to the "Exhibits" tab of the dispute page.

f. Describe any other procedures for supersedeas hearings:

None.

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

None; however, they will be scheduled and held within twenty-one days of assignment, per requirement.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Usually at a final hearing, unless requested by counsel beforehand.

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

Generally, the Claimant will be expected to testify in-person at the final hearing; if the hearing is virtual, the Claimant and/or any other witnesses must be present via video. The Claimant may be deposed via deposition upon agreement from opposing counsel and approval from this WCJ.

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

Good cause.

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? Thirty (30) days.

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

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

Bureau and WCOA documents are to be uploaded as Exhibits by the parties.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Only for Supersedeas exhibits; however, counsel are responsible for uploading ALL exhibits physically offered at hearings. **If before, how far in advance of the hearing must they be uploaded?** N/A.

8. When will you rule on objections to exhibits?

Prior to the issuance of the final decision. A hearing or conference call to address the objection(s) will likely be scheduled, and an Interlocutory Order issued.

9. What is your procedure for handling discovery disputes?

A hearing will be scheduled to address the same.

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

Before the record closes.

COMPROMISE & RELEASES (C&Rs)

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

See below.

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?

Amending the existing petition(s) is preferred.

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?

Counsel are not required to upload a draft of the C&R Agreement before 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?

Counsel are to upload the signed, finalized C&R Agreement to the “Exhibits” tab of the WCAIS dispute page before the hearing. All documents the parties wish to be circulated with the decision are to be attached to the C&R Agreement Exhibit, such as the Fee Agreement and any Medicare documentation.

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

Yes, unless counsel desire it to be circulated with the decision.

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

YES. Counsel are responsible for redacting all SSNs and other confidential information from the C&R Agreement, Act 109 documents, and any other documents they wish to be circulated with the decision.

f. Will you sign bench orders?

No.

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

In the event counsel have resolved a case and prepared a C&R Agreement before an approaching final hearing, they are to advise this WCJ of the same and upload both the Agreement and all relevant documentation to the “Exhibits” tab of the dispute page.

STIPULATIONS RESOLVING DISPUTES

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

The Stipulation must be witnessed. Counsel are to upload the Stipulation to the “Exhibits” tab of the WCAIS dispute page and request approval by this WCJ through the “Requests” tab. IMPORTANT: Counsel are to clarify whether the Stipulation resolves part or all of the pending litigation.

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

Part of the document.

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

Separate exhibit.

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

Medical bills.

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

Part of the Stipulation.

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

All the time. Counsel are to redact ALL confidential information from the Stipulation before uploading the same.

7. Describe any other procedures you have for stipulations:

Counsel are to attach any and all documentation/exhibits they want circulated with the decision to the Stipulation and redact all confidential information.

BRIEFS AND PROPOSED FINDINGS

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

Generally, a final hearing is required; a record closing date will be set, after which a briefing schedule will issue unless deemed unnecessary. This WCJ may close the record for decision immediately without notice under exceptional circumstances.

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

Counsel are expected to upload any and all evidence to the “Exhibits” tab of this matter’s WCAIS dispute page prior to close of record. Updated litigation costs will generally be accepted after close of record. IMPORTANT: Counsel uploading a non-litigation cost exhibit to WCAIS after the closing date is frowned upon, but the same will likely be admitted; if opposing counsel objects, a special hearing will be scheduled to address the issue.

In the event counsel fail to upload briefs by the deadline provided and haven’t requested an extension via the “Requests” tab of the dispute page, the case will proceed to decision regardless.

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

None.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Scranton.

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

This WCJ strongly prefers in-person mediations.

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

Audio with video will be permitted if private discussion can be ensured.

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

This WCJ strongly prefers in-person mediations, but some may be scheduled virtually; in such cases, all parties are expected to be present via video. If a mediation is in-person, counsel and/or parties may be permitted to

participate virtually in exceptional circumstances; a request for the same, with sufficient justification, must be filed under the “Requests” tab of the dispute page.

5. Do you require a Mediation Statement? NO. If yes: N/A

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? No; however, this WCJ may do so at his discretion if the reason for postponement is exceptional (emergencies, etc.). If so, how long until it is rescheduled? The mediation, if rescheduled, will be re-set to the next available opening in this WCJ’s schedule. Be aware that this WCJ holds mandatory mediations one day per month.

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

No.

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

There is no time limit; however, last-second requests are frowned upon.

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

Prior to the mediation, the parties are to make contact between themselves and extend an initial offer.

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: N/A

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?

REQUESTS/MISCELLANEOUS

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

At least three (3) days; more notice is appreciated for in-person events. IMPORTANT: Cancellations for cases with interpreters will not be granted under twenty-four hours from the event in question, barring exceptional circumstances; any withdrawal requests or Stipulations are to be offered on the record.

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

None.

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

Only if opposing counsel is copied.

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

No; however, if other cases are scheduled, or it is the end of the day, this WCJ would prefer to adhere as closely to the listed duration as possible. A further hearing may need to be scheduled if the hearing is running especially late.

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

In emergencies, counsel should contact my assistant. For non-emergency situations, please email my assistant. If my assistant is unavailable or scheduled off during an emergency, call the Scranton office's main line.

- 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.)?**

Very liberal for weather conditions for in-person hearings.

Please see the Teams/Virtual Events Tips & Training tile on our [Website](#) for more information on how to use Microsoft Teams for WCOA Hearings and Mediations.