

Joseph A Stokes:

Southeast District: Springfield

[WCOA-Judges-Office-Contacts \(pa.gov\)](http://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?

Pretrial hearing will be scheduled

a. List any documents required at the first event:

Any Supersedeas documents or pretrial motions

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

Yes

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

One day trials special circumstances will be considered.

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

Yes, special circumstances will be considered

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

Will consider the suggestions and needs of the parties

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

Will react to the needs of the parties in each case

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

Will rule on motions of the party that does attend including motions to dismiss the petition or grant the petition.

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

No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Supersedeas documents can be uploaded and Claimant may be allowed additional time by agreement of the parties

a. Will testimony be heard?

Generally, no.

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

Yes

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

When additional evidence is presented that would impact the original Supersedeas ruling

d. Do you generally use written orders for denials?

Yes

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

Copy of fee agreement

f. Describe any other procedures for supersedeas hearings:

None.

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

None.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

All witnesses including claimant are deposed and parties may present witness for updated live or virtual testimony at one day trial listing.

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

All witnesses including claimant are deposed and parties may present witness for updated live or virtual testimony at one day trial listing.

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

Yes, special circumstances will be considered.

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?

10 days

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

Follow Administrative rules and will consider the suggestions and agreements of the parties

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

Yes, parties will upload.

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?

Anytime prior to the day of hearing.

8. When will you rule on objections to exhibits?

Will depend on the objection but no later than at the time of decision.

9. What is your procedure for handling discovery disputes?

Parties will submit written positions and rulings will be made based on those submissions.

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

At the time final Briefs are submitted.

COMPROMISE & RELEASES (C&Rs)

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

Will schedule upon request of parties

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?

Flexible will accommodate the parties to amend or submit separate C & R Petition.

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, not necessary.

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

Yes, before the hearing.

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

Yes.

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:

None.

STIPULATIONS RESOLVING DISPUTES

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

Will accommodate to what is best for the parties.

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

Yes.

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

Yes.

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

Will allow parties to attach relevant exhibits.

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?

When uploading the documents.

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?

Cases can close by submissions.

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

The parties will be given briefing schedule at last hearing. A ten-day warning letter will be sent to parties missing deadline, If no brief is received after warning deadline a decision will be issued.

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

Prefer proposed Findings of fact Conclusions of law and order in a Word document.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Springfield.

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

Generally virtual but will consider request of parties.

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

The needs of the parties.

4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation?

Yes.

If so, under what circumstances?

The needs of the parties.

5. Do you require a Mediation Statement?

Yes

If yes:

a. What information do you require in that Statement?

General information and proposed settlement statements

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?

Any day prior to scheduled mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled?

No

If so, how long until it is rescheduled?

n/a

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

Yes.

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

Up to the day before mediation

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

None.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

By special request

2. How should the parties request a Voluntary Mediation?

WCAIS request.

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

Springfield.

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

Yes, all.

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:

Yes.

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

Will consider proposals by the parties

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

Will consider needs of the parties

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, based on the needs of the parties.

10. Do you require a Mediation Statement?

Yes.

If yes:

a. What information do you require in that Statement?

General information and prior settlement offers.

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?

Day prior to mediation.

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

Flexible.

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

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?

The mediating Judge.

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

Up to the day of mediation.

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

No additional comments.

REQUESTS/MISCELLANEOUS

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

One day prior to the event.

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

Special case problems.

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

None.

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?

WCAIS request.

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.)?

Follow Philadelphia School District announcements.