

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?

Generally, cases that do not involve testimony will be heard from 9 a.m. to 10 a.m. or 10:30 a.m. and cases with testimony or for a C & R Agreement will be heard beginning at 10 am. or 10:30 a.m. UNLESS the docket, TEAMS invite, Judge Instruction or Judge Communication indicates a different time.

PLEASE REVIEW THE DOCKET, TEAMS INVITE, AND READ JUDGE INSTRUCTIONS AND JUDGE COMMUNICATIONS.

The first event is a Pre-Trial Hearing. No testimony will be taken. Claimant will testify by deposition and/or at a later hearing. A mandatory scheduling order will be placed on the record.

The parties shall advise the of the issues in dispute, stipulations and the evidence to be presented.

Supersedeas evidence will be taken on appropriate Employer petitions.

AT ALL TIMES, THE PARTIES SHALL CONDUCT THEMSELVES AND PRESENT EVIDENCE CONSISTENT WITH THE SPECIAL RULES OF PRACTICE AND PROCEDURES BEFORE JUDGES AND CONSISTENT WITH THIS JUDGE'S PROCEDURAL RULES AND POLICIES.

SUBPOENAS: Without an offer of proof, generally, it is appropriate to request medical records that date back no more than 5 years.

The date for the records to be received by the requesting party must be 35 days from the date the subpoena is put in WCAIS for review and execution.

a. List any documents required at the first event:

The Bureau of Workers' Compensation and WCOA document(s) relevant to the issue(s) presented shall be uploaded as an exhibit of the moving party.

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

Documents are to be uploaded as Exhibits if it is the intention of the party to make the document part of the evidentiary record.

DO NOT NUMBER THE EXHIBITS.

Exhibit Description is generally duplicative of the Exhibit Name.

Be sure Exhibit documents are complete, accurate, and named appropriately.

Both redacted and unredacted Act 109 documents must be uploaded AND the exhibit name should indicate redacted or unredacted. The unredacted documents will be deleted after reviewed and before the Decision and Order is circulated.

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

A serial hearing format is used. The case is generally relisted every 3 months. This time may be shortened or extended depending on the nature of the petition(s), the issues, the dates of any scheduled depositions and with input of the parties.

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

See above.

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

I will consider the health and safety of all participants in addition to good cause shown.

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

Video participation by all is required. Audio participation may be allowed due to lack of necessary technology and/or internet and any hearing day technology and/or internet issues. The Hearing may be rescheduled for another day at the discretion of this Judge or at the request of a party if technology and/or internet issues arise.

Counsel are required to forward the TEAMS invite to claimants and witnesses.

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

No set procedure. It depends on the circumstances.

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

No

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

To the extent possible, both parties should present supersedeas evidence at the first hearing on the petition. With respect to medical evidence, generally, counsel shall provide only one medical report that addresses Claimant's status regarding the issue(s) in dispute (Fully recovered? Able to work? Able to perform job offered?) on or about the date relief is requested.

Will testimony be heard?

No

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

Yes

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

The request for reconsideration of Supersedeas must be based on new evidence and/or a change in Claimant's receipt of indemnity benefits.

c. Do you generally use written orders for denials?

Yes, unless Claimant is not receiving indemnity benefits.

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

The fee agreement, a request for interim fee approval and the appropriate circumstances.

e. Describe any other procedures for supersedeas hearings:

Claimant's counsel is not to provide Claimant's entire medical file or voluminous records. Rather, Claimant's counsel shall provide one or two reports regarding Claimant's status on or about the time Defendant is seeking relief.

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

Same procedures for special supersedeas hearings.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Generally, on Claimant petitions, Claimant will testify initially by deposition and later at the final hearing.

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

Video or in-person testimony is preferred at the final hearing on appropriate cases. Claimants may testify by deposition prior to the final hearing.

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

Case specific.

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?

It is preferred that a request to present witness testimony be made at a hearing at which time a date for the witness testimony will be set. A request to present witness testimony may also be made by miscellaneous request.

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

Generally, with cross-petitions, the party that filed the first petition is required to present its medical evidence first if medical evidence is part of its case in chief.

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

The parties are to upload the Bureau and WCOA documents that are relevant to the issues presented. Generally, this is the controlling document with respect to nature of injury and disability status.

- 7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? Before the hearing. If before, how far in advance of the hearing must they be uploaded?** No preference.

DO NOT NUMBER THE EXHIBITS.

Exhibit Description is generally duplicative of the Exhibit Name.

Be sure Exhibit documents are complete, accurate, and named appropriately.

Both redacted and unredacted Act 109 documents must be uploaded AND the exhibit name should indicate redacted or unredacted. The unredacted Act 109 documents will be deleted after reviewed and before the Decision and Order is circulated.

- 8. When will you rule on objections to exhibits?**

No set policy. It depends on the circumstances particular to the case.

- 9. What is your procedure for handling discovery disputes?**

Discovery disputes may be raised at a hearing or via a WCAIS correspondence. If by WCAIS correspondence, each party shall advise of the issue(s) in dispute, their respective positions and provide the relevant case law, regulation or special rule that controls the issue.

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

With the Proposed Findings of Fact, Conclusions of Law and brief.

COMPROMISE & RELEASES (C&Rs)

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

A redacted and an unredacted Compromise and Release Agreement must be uploaded as separate exhibits BEFORE the matter will be listed for a C & R hearing. All exhibits shall be uploaded with the Agreement. No exhibit shall be uploaded separately. THE EXHIBIT NAME SHOULD INDICATE IF THE AGREEMENT IS REDACTED OR UNREDACTED.

After the Agreement is uploaded, it will be reviewed and the parties will be contacted by Judge Instruction and/or Judge Communication regarding any necessary revisions. After review and/or any Judge required revisions are made, the matter will be given a date for a C & R hearing. The unredacted Agreement will be deleted after the hearing.

Claimant must have the C & R Agreement with them at the time of the hearing.

A virtual C & R Hearing will be conducted by video with exception for lack of necessary technology and/or internet and any hearing day technology and/or internet issues. The Hearing may be rescheduled for another day at the discretion of this Judge or at the request of a party if technology and/or internet issues arise.

- 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?**

Pending petitions may be amended to Petitions Seeking Approval of a Compromise and Release Agreement.

- 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?**

See #1 above

- 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 above

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

No

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

See #1 above

- f. Will you sign bench orders?**

A Bench Order will be signed if the Agreement is heard at an in person hearing and the Agreement is approved.

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

See #1 above

STIPULATIONS RESOLVING DISPUTES

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

A redacted and an unredacted Stipulation of Fact with all exhibits/attachments, including but not limited to Act 109 documents and a fee agreement shall be uploaded as separate exhibits for this Judge's review. No exhibit/attachment shall be uploaded separately. All exhibits/attachments shall be uploaded with the Stipulation of Facts.

THE EXHIBIT NAME SHOULD INDICATE IF THE STIPULATION IS REDACTED OR UNREDACTED.

The unredacted Stipulation will be deleted after this Judge's review of the same.

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

The fee agreement must be part of the stipulation.

Should child support documents be uploaded as a separate exhibit?

The Act 109 documents must be part of the stipulation.

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

Case specific.

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

Other exhibits must be uploaded as part of the stipulation.

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

See #1 above

Describe any other procedures you have for stipulations:

See #1 above.

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 to close a case.

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

The parties are to submit proposed Findings of Fact, proposed Conclusions of Law and supporting briefs within the time period set at the final hearing and may make a WCAIS request for additional time for filing these documents.

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

Proposed Findings of Fact should start with a procedural history, followed by a concise, accurate, relevant and non-argumentative summary of the relevant evidence. This should be followed by credibility determinations with the bases for the same and then the specific factual findings. The latter are the elements that support the burden of proof. Conclusions of Law shall state the burden(s) of proof and whether the burden(s) of proof have been met. The supporting brief should cite relevant caselaw, regulations and rules and the relevant caselaw etc. should be applied to the facts of the case. A COPY OF THE CASELAW RELIED ON SHOULD BE PROVIDED WITH THE BRIEF.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

Malvern

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

I will consider the health and safety of all participants in addition to good cause shown.

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

Video participation is required for mandatory mediations. A mandatory mediation will be conducted by audio only where a party does not have the necessary technology and/or internet and due to any mandatory mediation day technology and/or internet issues.

4. Are you willing to allow counsel or a party to participate virtually in an in-person mandatory mediation? If so, under what circumstances? No

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

a. What information do you require in that Statement?

The mediation statement should be concise and contain the demand or offer and the basis for the demand or offer. DO NOT PROVIDE A SUMMARY OF ALL THE EVIDENCE.

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

NO DOCUMENTS ARE TO BE PROVIDED.

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

2 days

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? No If so, how long until it is rescheduled?

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?

A cancelation request shall be made to the Judge assigned the petition(s) and a postponement request shall be made to the mediating Judge.

A cancelation or postponement request should be made ASAP but no later than 5 days before the date of the mediation.

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

Negotiations must take place before the mediation and Employer must have authority and extend authority at least a week before the mediation.

MEDIATION DOES NOT EXTEND OR MODIFY THE SCHEDULING ORDER.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

No

2. How should the parties request a Voluntary Mediation?

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

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

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

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

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

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

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

- 10. Do you require a Mediation Statement? If yes:**
 - a. What information do you require in that Statement?**

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

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

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

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

- 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?**

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

- 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 OF ANY NATURE MUST BE MADE VIA WCAIS REQUEST AND MUST BE IN THE FORM OF A LETTER AND THE LETTER UPLOADED INTO THE REQUEST.

Continuance requests shall be made on this Judge's continuance request form and uploaded into WCAIS no later than 10 days before the hearing. The continuance request form shall be completed in its entirety. A continuance request may be made in a letter that is uploaded into the WCAIS continuance request function if it contains all the information required by the continuance request form.

Requests for extensions of time shall be made prior to the time provided expiring but no later than 10 days before the time provided expires and must be in letter form. The request for an extension of time shall provide the reason why additional time is needed and the position of opposing counsel.

- 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?**

None

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

The hearing notice is not indicative of the time allotted for the hearing.

The time slot for mandatory mediation is strictly adhered to.

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

Through WCAIS and/or by email or phone call to 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.)?**

Any cancellations will be posted on WCAIS.