

[WCOA Judge's 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?**

The first event will usually be an in-person hearing to include Claimant's testimony. This applies to petitions where testimony would generally be expected, including but not limited to: Claim Petitions, Petitions to Terminate, Reinstate, Modify, Suspend, and/or Review Compensation Benefits (for viewing disfigurement). Only the Claimant will be permitted to testify at the first hearing. For an in-person hearing, all parties must appear in person. First hearings on other matters will usually be conducted virtually. Virtual hearings will be held via Microsoft Teams video. For a virtual hearing, all parties must participate via Microsoft Teams video. Telephone participation is always discouraged, and telephone testimony will not be permitted, except in rare circumstances. The moving party is expected to have prima facie evidence for its petition uploaded to WCAIS as an exhibit prior to the first hearing. The parties should be prepared to discuss the issues involved in the petition(s) and know upon which medical evidence they will be relying. It is expected that the moving party will have exchanged all discoverable information with the responding party before the first hearing; it is expected that the responding party will produce its discoverable information to the moving party in kind as soon as possible. At the first hearing, exhibits will be marked, a litigation schedule will be set, and other time frames will be discussed. If an IME is anticipated, it should be scheduled as soon as practicable with counsel having the IME date ready at the time of the first hearing. If the parties have an issue with the scheduled hearing format, they must submit a WCAIS request for a hearing format change as soon as they become aware of the issue; Last-minute requests are unlikely to be accommodated due to the logistics of in-person hearing scheduling. Appropriate courtroom attire is required for all parties in all proceedings whether it is an in-person or virtual event.

- a. List any documents required at the first event:** The moving party is expected to upload its exhibits in WCAIS prior to the first hearing. If available, the responding party should upload its evidence via WCAIS as well. If Claimant counsel is seeking fee, a fee agreement must be uploaded as an exhibit in WCAIS. First hearing filings are permitted but are not required.

**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).**

Serial hearings. The first hearing will usually be an in-person hearing with Claimant's testimony. Subsequent virtual hearings will be held for status updates. If additional Claimant or lay testimony is needed, a WCAIS request for an in-person hearing should be submitted as soon as possible. Deposition testimony of medical experts is permitted and expected. A final hearing will be held for any final testimony and review of exhibits and close of the record.

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

Yes, for good cause, upon receipt of properly submitted requests.

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

The issues involved, the position of the parties, scheduling, safety concerns. Alleged disfigurement will be viewed at an in-person hearing.

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

Virtual hearings will be held via Microsoft Teams video. It is expected that all parties participate via video. Telephone participation is always discouraged, and telephone testimony will not be permitted, except in rare circumstances. Counsel should make all necessary preparation to ensure that their clients can participate via video for virtual hearings. Appropriate courtroom attire is required for all parties in all proceedings whether it is an in-person or virtual event.

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

I will attempt to reach the missing party at the time of the hearing. If that fails, I will send a letter to the missing party concerning their absence from the hearing. I will warn the party that the matter may be decided without their participation, or if it is their petition that it may be dismissed if they fail to appear at the next scheduled event. I will then schedule another hearing in about 30 days and further steps will be taken as necessary at that hearing.

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

No.

**SUPERSEDEAS PROCEDURES**

**1. What are your procedures for supersedeas hearings?**

Supersedeas hearings will be treated as a first hearing with the same applicable rules already discussed herein.

**a. Will testimony be heard? Yes, it is expected that the Claimant will testify.**

- b. **Is additional time generally granted to obtain medical evidence?** Yes, typically an additional 14 days from the time of the supersedeas hearing.
- c. **Under what circumstances will you reconsider a supersedeas order?** Upon receipt of a properly filed and explanatory WCAIS request.
- d. **Do you generally use written orders for denials?** Yes.
- e. **What is required for employee's counsel to obtain interim fee approval?** A properly executed fee agreement uploaded into WCAIS as an exhibit.
- 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?**

Claimant will testify at the first hearing. Other witnesses will testify at subsequent hearings as necessary. Testimony will be limited to the hearing time scheduled. If it is known that additional time will be needed for testimony, please properly submit a WCAIS request to allow for more efficient hearings.

Counsel should make all necessary preparation to ensure that their clients can participate via video for virtual hearings. Appropriate courtroom attire is required for all parties in all proceedings whether it is an in-person or virtual event.

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

I prefer to see the Claimant testify before me at an in-person hearing. Subsequent testimony by the Claimant may be taken by video during a virtual hearing subject to my discretion. Deposition testimony of medical experts is permitted and expected. Other witness testimony will be scheduled upon discussion with the parties.

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

Upon receipt of a properly submitted request, for good cause.

**4. If counsel wishes to present testimony of a witness (either virtually or in-person), do you require prior notice? Yes. If yes, how much notice do you require?**

As soon as the parties are aware of the need for an additional witness, they should properly submit a WCAIS request with the witness information, requested format, opposing counsel's position on the matter, and anticipated time needed. 30 days' notice is preferred.

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

The first filing party is expected to proceed first, but I am amenable to changing this if it makes sense for the parties. Scheduling of medical depositions will also be considered and determined in light of mediation.

**6. Do the parties need to upload the Bureau and WCOA documents as exhibits, or will you admit them electronically as a Judge's exhibit?**

I will upload the documents as a Judge's exhibit.

**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?**

Exhibits should be uploaded at least 24 hours before any hearing, so that opposing counsel has time to prepare and address the same with their client. If opposing counsel does not have enough time to review an exhibit that was uploaded late the use of that exhibit may be precluded until a later hearing.

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

On the record during the hearing unless the situation warrants otherwise.

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

On a case-by-case basis; Telephone conference if the dispute arises outside of a hearing.

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

The parties may file written preservation of objections no later than the time that they submit their final briefs. If written preservations of objections are not received, the objections will be deemed waived.

**COMPROMISE & RELEASES (C&Rs)**

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

All C&Rs are reviewed prior to hearings seeking approval. I expect a final draft of the C&R Agreement uploaded as an exhibit 48 hours in advance of the scheduled hearing. A fully executed final C&R must be uploaded as an exhibit prior to the hearing seeking approval.

**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?** Yes, amendments are permitted.

**b. Are parties required to provide a draft of the C&R Agreement before the hearing?** Yes. **If yes, how far in advance of the hearing do you need to receive it?**

I expect a final draft of the C&R Agreement uploaded as an exhibit 48 hours in advance of the scheduled hearing.

- c. **Should the parties upload the signed C&R Agreement, including the fee agreement and any other attachments before, or after the hearing?** Before the hearing. Redacted and unredacted versions both required as exhibits. Unredacted version will be deleted following the hearing.
- d. **Should child support documents be uploaded as a separate exhibit?** Yes, always as a separate exhibit. Redacted and unredacted versions both required as exhibits. Unredacted version will be deleted following the hearing.
- e. **Should Social Security numbers and other confidential information be redacted from the C&R Agreement and Act 109 documents?** Yes, see above.
- f. **Will you sign bench orders?** No.
- g. **Describe any other procedures you have for C&R Agreements:** Agreements must be fully executed and uploaded to WCAIS before the time of hearing, including for in-person hearings. Claimant should have access to the C&R paperwork during the C&R hearing. Medicare liens, DHS liens, domestic relations orders, and bankruptcy orders must be addressed in the C&R agreement or else the hearing may be continued until addressed.

### **STIPULATIONS RESOLVING DISPUTES**

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

The fully executed stipulation should be uploaded to WCAIS as an exhibit. The stipulation must conform to the requirements of Section 131.91 of the Special Rules of Administrative Practice and Procedure Before Workers' Compensation Judges. Issues of attorney's fees and litigation costs should be addressed in the stipulation.
2. **Should the fee agreement be part of the stipulation or separate exhibit?** Separate exhibit.
3. **Should child support documents be uploaded as a separate exhibit?**

Separate exhibits. Redacted and unredacted versions both required as exhibits. Unredacted version will be deleted following confirmation of the required information.
4. **What other exhibits should be uploaded (i.e. medical bills, etc.)?**

Any evidence that the parties deem relevant to the issues being addressed, including outstanding medical bills, out-of-pocket itemizations, bill of costs, etc.
5. **Should other exhibits be uploaded as part of the stipulation or as a separate exhibits?**

Separate exhibits. However, if the parties want a document to be printed with the decision approving the stipulation, then that exhibit needs to be attached to the stipulation itself before the stipulation is uploaded as an exhibit.

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

Social Security numbers and other confidential information should be redacted prior to uploading the stipulation as an exhibit. The parties should upload a redacted and unredacted copy of the child support documents as two separate exhibits. The unredacted copy will be deleted after confirming the pertinent information.

**7. Describe any other procedures you have for stipulations:**

Counsel's request for approval of the stipulation shall set forth the specific petitions that the stipulation is resolving and what, if any, petitions will remain pending if the stipulation is approved.

**BRIEFS AND PROPOSED FINDINGS**

**1. Will you close a case via WCAIS submission or is a final hearing required?** A final hearing will usually be held to review and discuss final exhibits, close of record, and briefing deadlines.

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

A briefing schedule will be set for receipt from both parties about 30 days after the close of record. I will modify the briefing schedule upon request, depending on the issues and basis for the request. If an extension of time is needed after the schedule is set, a request must be submitted in WCAIS prior to the expiration of the due date. If the brief due dates pass without submission, the matter will be placed in line for decision.

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

I prefer Proposed Findings of Fact that should not exceed 10 pages. Proposed Findings should be neutral in content until resolving credibility determinations and conflicts of evidence. Parties should clearly identify all relief being sought. The parties may submit a brief if they feel that it will be helpful but it should be a concise summary of the legal argument with citation to legal authority and evidence, and shall not simply rehash the Proposed Findings of Fact.

**MANDATORY MEDIATIONS**

**1. List the offices where you conduct mandatory mediations:** Pittsburgh and Greensburg.

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

Mediations will be scheduled virtually via Microsoft Teams. In-person mediations will be conducted only if there is a true necessity under special circumstance.

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

It is expected that all virtual mediations will be conducted with Microsoft Teams video. Telephone participation is strongly discouraged because it may be impossible to move that individual into a Teams breakout room if joined by telephone. Counsel should make all necessary preparation to ensure that their clients can participate via video for virtual mediations. Appropriate courtroom attire is required for all parties in all proceedings whether it is an in-person or virtual event.

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

All parties must be present in person, or all parties must be present virtually. I would consider a request otherwise only if there is a true necessity under special circumstance.

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

**a. What information do you require in that statement?** Your statement must include: AWW/TTD rate, nature of injury claimed/accepted, brief history/background of the case, the issues in litigation, strengths/weaknesses of each side, status of settlement negotiations and current demand/offer, existence of any outstanding bills/medical liens/bankruptcy/child support or other issues that may be a barrier to resolution. Other information about your client that may be helpful to conducting a successful mediation should be included in your confidential mediation statement.

**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?** At least 48 hours prior to the mediation.

**6. If there is a request to postpone a mandatory mediation, will it be rescheduled? That depends on why it was postponed. If so, how long until it is rescheduled?**

That depends on why it was postponed, as well as available future mediation times.

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

Yes.

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

As soon as the parties are aware of circumstances that would require cancellation or postponement. Absent an emergency, it is expected that notice will be provided at least 48 hours prior to mediation.

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

I expect the parties to evaluate a case in good faith and have authority to negotiate. I expect the parties to be prepared to attempt to narrow issues involved in the case even if settlement may not be feasible.

## **VOLUNTARY MEDIATIONS**

- 1. Do you conduct Voluntary Mediations? Yes.**
- 2. How should the parties request a Voluntary Mediation?**  
WCAIS request.
- 3. List the locations where you conduct in-person voluntary mediations:**  
Pittsburgh.
- 4. Will you conduct virtual voluntary mediations? Yes. If yes, for which WCOA Districts will you conduct them?**  
I am willing to conduct voluntary virtual mediations for any case throughout the Commonwealth.
- 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? Yes. If yes, describe any special procedures you have for such cases:**  
I will advise the unrepresented party of their right to counsel and the implications of proceeding without counsel. If the party wishes to proceed, then mediation will occur. If the party wishes to obtain counsel before mediation, then the mediation will be rescheduled to allow for the party to obtain representation.
- 7. What factors will you consider in deciding whether to conduct a voluntary mediation virtually or in person?**  
Mediations will be scheduled virtually via Microsoft Teams. In-person mediations will be conducted only if there is a true necessity under special circumstance.
- 8. What factors will you consider in deciding whether to conduct a virtual voluntary mediation by audio only or audio with video?**  
It is expected that all virtual voluntary mediations will be conducted with Microsoft Teams video. Telephone participation is strongly discouraged because it may be impossible to move that individual into a Teams breakout room if joined by telephone. Counsel should make all necessary preparation to ensure that their clients can participate via video for virtual mediations. Appropriate courtroom attire is required for all parties in all proceedings whether it is an in-person or virtual event.
- 9. Are you willing to allow counsel or a party to participate virtually in an in-person voluntary mediation? Generally, no. If so, under what circumstances?**  
All parties must be present in person, or all parties must be present virtually. I would consider a request otherwise only if there is a true necessity under special circumstance.
- 10. Do you require a Mediation Statement? Yes. If yes:**



a. **What information do you require in that statement?** Your statement must include: AWW/TTD rate, nature of injury claimed/accepted, brief history/background of the case, the issues in litigation, strengths/weaknesses of each side, status of settlement negotiations and current demand/offer, existence of any outstanding bills/medical liens/bankruptcy/child support or other issues that may be a barrier to resolution. Other information about your client that may be helpful to conducting a successful mediation should be included in your confidential mediation statement.

b. **What documents, if any, must accompany the Statement?** None.

a. **How far in advance of the mediation must the parties submit the Statement and accompanying documents?** At least 48 hours prior to the mediation.

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

As the schedule permits, usually within 30-45 days depending on availability.

**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?**

Mediating Judge.

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

As soon as the parties are aware of circumstances that would require cancellation or postponement. Absent an emergency, it is expected that notice will be provided at least 48 hours prior to mediation.

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

I expect the parties to evaluate a case in good faith and have authority to negotiate. I expect the parties to be prepared to attempt to narrow issues involved in the case even if settlement may not be feasible.

### **REQUESTS/MISCELLANEOUS**

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

A WCAIS request should be properly and promptly submitted as soon as the party becomes aware of a situation that necessitates a change. 10 days prior at minimum.

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

I will make myself available for a conference call/Teams meeting with the parties as need be.

**3. Under what conditions/circumstances do you accept emails from parties?**

Written communication should be conducted through WCAIS requests/correspondence.

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

Yes, unless my schedule and the parties' schedules allow otherwise.

**5. What is the best way to contact you in an emergency situation?** The parties can call the Pittsburgh office at 412-565-5277, or contact my assistant via email or telephone.

**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.)?** For events scheduled to be in-person in Pittsburgh, per policy, I will follow the Pittsburgh Public Schools closures/delays. In the event of a delay or closure, events may be conducted virtually. My office will communicate with the parties on a case-by-case basis if the event is going to be switched from in-person to virtual.