

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?

The first event entails the presentation of the Claimant's testimony in the event that the Claimant will testify during the litigation and the last event also entails the presentation of Claimant's testimony in the event that the Claimant will update the Claimant's condition and circumstances and/or rebut any evidence. If the Defendant is the moving party, defense witness' testimony may be presented at the first hearing. The submission of controlling Bureau of Workers' Compensation documents and prior Decisions and Orders and Opinions and Orders should be uploaded into WCAIS exhibits by/at the time of the first event and supersedeas submissions should be uploaded into WCAIS by/at the time of the first event. A scheduling order will be issued at the time of the first hearing and mandatory mediation will be scheduled then or imminently thereafter.

a. List any documents required at the first event:

The controlling Bureau of Workers' Compensation documents, prior Decisions and Orders, and prior Opinions and Orders should be uploaded into WCAIS before the scheduled first hearing. If applicable, supersedeas documents should be uploaded before the first hearing and they may be supplemented after the first hearing. Any other pertinent exhibits may also be uploaded before or at the first hearing, particularly if they will be used for direct or cross examination at the first hearing. For a hearing for the approval of a Compromise and Release Agreement, the redacted agreement, support documents, and fee agreement must be uploaded 24 hours at least before the first hearing. For a first hearing at which an Order will be requested, any pertinent documents should be uploaded before or at the first hearing.

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

Evidentiary documents should be uploaded into WCAIS as exhibits.

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

My hearings are serial and a one day/one trial hearing may be requested.

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

I'm willing to change the hearing format upon request and upon consideration of the parties' positions.

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

An in-person hearing may occur after a request for it and within the judge's discretion after consideration of any cited factors for it by the parties and the parties' positions.

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

All litigants, witnesses, lawyers, participants, and court reporters are encouraged and expected to appear by video unless a reasonable explanation is presented by the litigant, witness, participant, and/or representing attorney in justification of the participation by audio only or by audio with video. Any problems and/or circumstances before the hearing at issue should be relayed, inclusive to all lawyers and unrepresented parties.

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

If the party should be and isn't present at a hearing and is represented by counsel, I will ask the party's attorney about the reason for the lack of appearance and may reschedule the hearing in the event of the necessity for that. If counsel and the party aren't present, I will attempt to contact the attorney then and if contact can't be made with the attorney, I will proceed to make a record. If the party isn't present at a hearing and isn't represented by counsel, I will attempt to check the validity of the address and service in WCAIS and otherwise.

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

I have no special procedures for psychological injury cases.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

For supersedeas hearings, testimony from the Claimant and/or any other witness is taken. Supersedeas exhibits are submitted before, at, or shortly after the supersedeas hearing and a scheduling order is placed on the record.

a. Will testimony be heard?

Testimony will be heard.

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

Additional time for the submission of medical and/or other evidence is generally granted.

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

I'll reconsider a supersedeas order upon the parties' request for reconsideration.

d. Do you generally use written orders for denials?

Written orders are generally used for denials.

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

Testimony from the Claimant with respect to the Claimant's understanding of the fee agreement and the submission of the fee agreement into the record and approval of it are required for the Claimant's counsel to obtain an interim fee.

f. Describe any other procedures for supersedeas hearings:

None.

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

They aren't different.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

Testimony is taken at the first hearing, at subsequent hearings, and at the last hearing in the event of a request for updated and/or rebuttal testimony at the last hearing. Testimony will be virtual unless an in-person hearing is requested and scheduled and video participation is required for virtual hearings unless a justifiable reason exists for the lack of video participation.

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

Testimony is generally required at a virtual hearing and can be supplemented/taken by deposition and/or at an in-person hearing. A request for testimony at an in-person hearing will be considered.

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

The requirements for the presentation of testimony may be changed upon a party's request and/or at the Judge's discretion, after consideration of any specified reasons and/or circumstances.

4. If counsel wishes to present the testimony of a witness (either virtually or in-person), do you require prior notice? If yes, how much notice do you require? I require prior notice about the presentation of testimony from a witness and such notice should be given within one week of the hearing.

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

The first petitioning party generally first presents expert medical testimony unless the parties agree to a different order.

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 should upload documents from the Bureau of Workers' Compensation and of the Workers' Compensation Office of Adjudication as exhibits before the first hearing.

7. Do you require counsel to upload exhibits to WCAIS before or after the hearing? If before, how far in advance of the hearing must they be uploaded?

Exhibits and all attachments to them should be uploaded before the hearing when they will be submitted as evidence and/or before a mediation which is scheduled as a mandatory or voluntary session. Exhibits and all attachments to them for a hearing for the approval of a Compromise and Release Agreement should be uploaded 24 hours at least before the hearing.

8. When will you rule on objections to exhibits?

Rulings will be made on objections to exhibits when the parties request a ruling on them or when the judge specifies a particular time for a ruling on them.

9. What is your procedure for handling discovery disputes?

Discovery disputes are handled by a hearing, by a conference call, and/or by motions and a subsequent interlocutory order may be issued.

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

The last day for a party's submission of objections is the date of the submission of the objecting party's brief.

COMPROMISE & RELEASES (C&Rs)

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

The C&R Agreement and attachments, particularly with respect to support obligations, are reviewed before, at, and after the hearing. The unredacted fully executed C&R Agreement, documents with respect to support obligations, and any other attachments, and the redacted and unredacted versions of the aforesaid should be uploaded into WCAIS 24 hours at least before the hearing.

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 of existing petitions are allowed. Separate petitions may be required upon certain circumstances.

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?

A draft of the C&R Agreement before the hearing isn't required.

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

Signed unredacted and redacted C&R Agreements, the fee agreement, and any other pertinent unredacted and redacted attachments should be uploaded 24 hours at least before the hearing.

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?

Social Security Numbers and other confidential information should be redacted from the C&R Agreement and Act 109 documents which will be admitted into evidence.

f. Will you sign bench orders?

I will sign bench orders.

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

Compromise and Release hearings will be conducted virtually or in-person. All parties and lawyers must be on video unless there are justifiable reasons and circumstances for participation without video and after there's prior approval by the judge for participation without video. Claimant should have a copy of the fully executed C&R agreement and accompanying documents with them during the hearing. Otherwise, Claimant's counsel should share their screen and show the fully executed C&R agreement and accompanying documents to the Claimant during the hearing.

STIPULATIONS RESOLVING DISPUTES

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

Executed stipulations, attached support documents, and attached fee agreements should be uploaded into WCAIS. The parties should make a request in WCAIS that the Stipulation and fee agreement be approved and specify in the request that particular petitions are resolved by the stipulation. The stipulations will be reviewed, generally adopted, and attached to a Decision and Order after their adoption and inclusion into Findings of Fact. Social Security Numbers and birthdate(s) should be redacted from the uploaded Stipulation packet in WCAIS and an unredacted version of support documents should be uploaded as a separate exhibit in WCAIS.

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

The fee agreement should be part of the Stipulation packet and a provision with respect to the terms of the fee agreement should be included in the Stipulation of Fact.

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

No. Support documents and the fee agreement should be attached to the Stipulation packet and the Social Security Number and birthdate(s) should be redacted from the uploaded Stipulation packet. An unredacted version of support documents should be uploaded as a separate exhibit in WCAIS.

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

Any other pertinent exhibits can be uploaded and/or attached to the stipulation.

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

Any other pertinent exhibits should be attached to the stipulation and accompanying documents and uploaded with them.

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

Social Security Numbers, birthdate(s), and other confidential information should be redacted from the Stipulation, Act 109 documents, and accompanying documents in the Stipulation packet.

7. Describe any other procedures you have for stipulations:

The Stipulation should specify the petitions which are being resolved and which petitions remain open for litigation.

BRIEFS AND PROPOSED FINDINGS

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

A final hearing is generally required for the submission of evidence, certification of the record, and specification of a briefing schedule. A final hearing isn't required for the submission of a Stipulation packet, for a withdrawal, or upon the agreement of the parties in particular situations, like an agreed-upon order.

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

The time requirements for final submissions are set at the hearing for closure of the record. Parties should request extensions of time for final submissions in WCAIS when time requirements may not be met and should state the position of opposing counsel when the extension is requested in WCAIS.

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

The format and content of final submissions should contain hearing dates, identification of the testifying individual at the hearing, continuances of hearings, a summary of the factual evidence, proposed credibility findings, preserved objections and the reasons for the objections, proposed legal conclusions with substantiating caselaw citations, and briefs. The format and content of final submissions may also be short letter briefs in accordance with a discussion on the record at the last hearing.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

I conduct virtual mandatory and voluntary mediations and will conduct in-person mandatory and voluntary mediations in the Springfield, Pa. office upon a request for them.

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

I'll consider a request for a virtual mandatory mediation upon the parties' request for it. I'll consider a request for a future in-person mandatory mediation after consideration of a request for it and within the judge's discretion, after consideration of any cited factors for it by the parties and the parties' positions.

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

I'll consider a request for a virtual mandatory mediation by audio only or by audio with video after a review of the party's request for a specific type of virtual mandatory mediation and after consideration of any cited factors for it by the parties and parties' positions. Factors are the party's/participant's capability to access a mediation through TEAMS video and to overcome technical difficulties.

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

A party may participate virtually in an in-person mandatory mediation.

5. Do you require a Mediation Statement? No mediation statements are required and mediation statements are preferred. If yes:

a. What information do you require in that Statement?

Mediation statements should contain the Claimant's age, date of hire, date of injury, last date of work, job title, assigned judge, Average Weekly Wage, applicable compensation rates, status of the litigation, status of settlement

discussions, approximate outstanding and paid medical bills, nature of the accepted and alleged injuries, unemployment compensation information, status of third-party litigation and any liens, status of SSD/Medicare/Medicaid, and strengths and weakness of each party's case.

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

No specific documents must accompany the statement. Medical reports are appreciated.

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

The parties should submit the mediation statements at least 24 hours before the mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? A mandatory mediation will not be rescheduled after a request for a cancellation. Only a voluntary mediation may be scheduled after a request for a cancellation of a mandatory mediation. If so, how long until it is rescheduled? A voluntary mediation can be immediately scheduled on an agreed upon date and time between the parties and the judge at the time of a request for a voluntary mediation.

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

I will conduct more than one mandatory mediation session per dispute.

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

A cancellation or postponement of a mediation, absent an emergency, should be requested one day at least before the mediation.

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

Counsel must be prepared with all information which is pertinent to the mediation and which is inclusive of settlement authority. A representative with authority must be available during the mediation.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

I will conduct voluntary mediations.

2. How should the parties request a Voluntary Mediation?

The parties can request a voluntary mediation in WCAIS, through an email to the judge or the judge's assistant, a call to the judge's assistant, and/or through any other preferred WCOA means.

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

I will conduct in-person voluntary mediations in Springfield, Pa.

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

I'll conduct virtual voluntary mediations for any WCOA district.

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

I don't mediate disputes which are assigned to me for 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:

I can mediate disputes in which one or both parties are unrepresented. There are no special procedures for such mediations with the exception of advising the unrepresented party about the right to counsel, about contact information for bar associations' attorney referral units, about safeguards, and about mediation and litigation protocols.

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

I'll conduct a virtual voluntary mediation upon the parties' request for it. I'll conduct an in-person voluntary mediation after consideration of any cited factors for it by the parties and the position of the parties with respect to an in-person mediation.

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

I'll consider the request for a virtual voluntary mediation by audio only or by audio with video after a review of the party's request for a specific type of virtual voluntary mediation and after consideration of any cited factors for it by the parties and parties' positions. Factors are the party's/participant's capability to access a mediation through TEAMS video and to overcome technical difficulties.

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

A party and/or counsel may participate virtually in an in-person voluntary mediation.

10. Do you require a Mediation Statement? Yes. Please see information under Mandatory Mediations above.

a. What information do you require in that Statement?

It is the same as that for the Mandatory Mediation above.

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

It is the same as that for the Mandatory Mediation above.

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

The parties should submit the statement and accompanying documents 24 hours at least before the mediation.

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

The voluntary mediation will immediately be scheduled upon a request for it.

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

I will conduct more than one voluntary mediation 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?

A party should contact the judge who will voluntarily mediate the dispute.

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

A party should follow the mediating judge's guidelines for cancellations or postponements.

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

Counsel must be prepared with all information which is pertinent to the mediation and which is inclusive of settlement authority. A representative with authority must be available during 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?

A request to continue a hearing should be uploaded into WCAIS as soon as the need arises. The request to continue a hearing must provide the status of the litigation to date, the reason for the continuance request, the amount of needed time for any extensions of the scheduling order, a suggested new hearing date after consultation with opposing counsel, the position of the opposing counsel, and any other pertinent information for the continuance request.

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

An off the record conference call will be conducted at the parties' request, within the discretion of the judge.

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

Emails are accepted from parties and all lawyers or unrepresented parties should be included on the emails.

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

I don't strictly adhere to the listed duration for a hearing or mediation.

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

The best way is through WCAIS, email, or correspondence with staff. My email address is kdilorenzo@pa.gov and my assistant's email can be found in the link at the top of this document.

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.)?

In-person events are cancelled when the School District of Philadelphia has a delayed opening or cancels classes and/or the Commonwealth of Pennsylvania Office of Administration and/or WCOA cancels in-person work. Virtual proceedings will not be cancelled.