

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 hearing will be a virtual, 15- minute pre-trial conference or a supersedeas hearing. The parties should be prepared to address preliminary issues such as a mandatory trial schedule, mandatory mediation and any atypical issues. Testimony will NOT be taken at the first hearing without advance approval from the WCJ. The only exception to this is for a Challenge Petition. For a Challenge Petition, the matter will be listed for a first hearing, at which time brief video testimony may be taken on the limited scope of the Petition.

a. List any documents required at the first event:

The moving party is expected to upload any pertinent bureau documents and prior WCJ Decisions before the first hearing. First hearing filings are not required.

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

Any document that is submitted as evidence should be uploaded as an Exhibit. Any document providing information to the Judge that is not intended to be submitted as evidence, should be submitted as a Letter to the Judge.

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

Most cases will be litigated using two hearings: a pre-trial and a final hearing. A typical schedule would be a 15-minute pre-trial hearing, followed a final hearing to be scheduled in approximately 6-8 months from the pre-trial. Interim hearings will be scheduled should the parties request same, or if a new petition is filed in the pending dispute. All non-testimony hearings will be heard virtually. All C&R hearings will be heard virtually as well. At the present time, all testimony hearings will be scheduled virtually by default. If a party wishes to have a live hearing (scar or presentation of a witness), a request for an in-person hearing for testimony should be made at least 30 days in advance of the scheduled hearing via WCAIS Request (with opposing counsel's position noted). Factors to be considered include but are not limited to the following: the substance and noted reasons for the request, the timeliness of the request, facts of the case, good cause shown, objections to the request, agreement of the parties, and any potential impediments to virtual testimony, but ultimately within this Judge's discretion.

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

Yes, for good cause, and only if a timely WCAIS request has been made.

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

Factors to be considered include but are not limited to the following: the substance and noted reasons for the request, the timeliness of the request, facts of the case, good cause shown, objections to the request, agreement of the parties, and any potential impediments to virtual testimony, but ultimately within this Judge's discretion.

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

Parties should participate in all virtual hearings by both video and audio. However, I will allow testimony by audio if it is the only viable option and for good cause shown. This allowance is subject to the specific facts of the case and position of the parties.

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

I will document a party's failure to attend a hearing on the record and relist the case for another hearing in about 30 days.

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

No.

SUPERSEDEAS PROCEDURES

1. What are your procedures for supersedeas hearings?

Supersedeas documents should be uploaded as exhibits in advance of the supersedeas hearing. I will allow the responding party 14 days to respond. Bureau documents and fee agreements should be uploaded separately from supersedeas documents and uploaded as exhibits in the case in-chief.

a. Will testimony be heard?

No.

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

Yes. The Moving Party should upload supersedeas exhibits in advance of the hearing. The Responding Party will then generally be granted 14 days to upload its exhibits.

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

If compelling information, developed after the supersedeas decision or otherwise unavailable prior to the supersedeas decision is presented, it will be taken into consideration. Parties must request a hearing for reconsideration of supersedeas.

d. Do you generally use written orders for denials?

Yes. Generally, a written Interlocutory Order regarding supersedeas will be issued. However, if no indemnity benefits are being paid, supersedeas may be denied from the bench.

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

The submission of a Fee Agreement with accompanying evidence establishing the fee arrangement. If Counsel is seeking a fee on medical benefits, this must be clearly stated at the outset of the matter.

f. Describe any other procedures for supersedeas hearings:

None.

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

For Special Supersedeas in relation to an Employee Challenge Petition, the first hearing will be scheduled for 15 minutes, and video testimony will be heard, if requested, on the limited issues presented by the Challenge petition.

WITNESSES/EXHIBITS

1. What are your rules regarding taking testimony?

No testimony will be taken at the first hearing, as it is a pre-trial hearing. My preference is for Claimant to testify by deposition within 30 days of the first hearing, and then updated at the final hearing. The parties are permitted to take fact witness and medical witness testimony by deposition, but if properly requested a hearing can be scheduled for presentation of any fact witness testimony. Video and audio participation is required for all virtual hearings where testimony will be presented, including Compromise and Release hearings. If there are extenuating circumstances, this Judge will consider allowing testimony via audio only based on the specific facts of the case and position of the parties. Again, all hearings at the present time will default to virtual, but if a request is made for the presentation of in-person testimony, every consideration will be made to accommodate the request, consistent with item #2 in my "Hearing Procedures" above.

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

See #1 Above.

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

Upon good cause shown, the specific facts of the case, the position of the parties and judicial discretion.

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? 30 days minimum. Counsel are reminded that if an interpreter is required, a proper and timely request (at least 14 days in advance of the testimony) should be made in WCAIS.

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

Generally, the party who filed the first petition will be expected to take its medical evidence first. However, when the circumstances warrant, the order of expert testimony may be adjusted.

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 relevant Bureau and WCOA documents.

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?

24-48 hours in advance.

8. When will you rule on objections to exhibits?

If there is an objection to the submission of the exhibit itself, I will rule on the objection as it is raised at a hearing. If it is an objection contained in a deposition transcript, I will rule on the objection in the final decision, if the same is preserved in accordance with the WCJ rules.

9. What is your procedure for handling discovery disputes?

Discovery disputes will usually be resolved through an on the record telephone conference or at a hearing.

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

Preservation of deposition objections must be submitted before the final hearing.

COMPROMISE & RELEASES (C&Rs)

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

I require four submissions to be uploaded at least 48 hours prior to the C&R hearing: 1.) A fully executed, unredacted copy of the C&R, with Fee Agreement attached 2.) A fully executed, redacted copy of the C&R, with Fee Agreement attached, 3.) Act 109 documents, redacted and 4.) Act 109 documents, unredacted. The parties must label each of the submissions as either “redacted” or “unredacted.”

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 to existing petitions will be allowed. Additionally, if a party is carving out a petition from the C&R, the parties should let me know as soon as possible, and clearly indicate this in the C&R 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?

I require the uploaded C&R documents to be fully executed documents which will be used at the C&R hearing, and circulated thereafter.

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

Yes. See #1 above.

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

Yes. See #1 above.

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?

No.

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

If a party is seeking to keep a petition open for adjudication, this must be clearly indicated in the C&R Agreement and at the C&R hearing.

STIPULATIONS RESOLVING DISPUTES

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

Stipulations should be uploaded to WCAIS as an Exhibit.

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

Part of the exhibit.

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

Yes. This Judge requires 2 uploads which are separate and apart from the Stipulation with Fee Agreement: 1.) a redacted set of Act 109 documents and 2.) an unredacted set of Act 109 documents.

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

None, unless the Stipulation specifically references the same as being attached.

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

But for Act 109 documents, any additional documents related to the Stipulation should be uploaded as one exhibit with the Stipulation.

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

Prior to being uploaded to WCAIS.

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?

A final hearing will be held on each case. All depositions are expected to be completed and uploaded by that date. All documents and other evidence should be uploaded into WCAIS in advance of the final hearing. However, costs of litigation, quantum meruit fee requests and child support documents may be prepared and submitted as exhibits after the final hearing through the WCAIS system.

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

A briefing schedule will be issued at the final hearing. Requests for extensions of time from either party must be made before the expiration of the party's briefing deadline. If the moving party does not timely file for an extension, the responding party should nevertheless file its brief on time. If any brief is not filed with the Court within the mandated briefing schedule, and absent a WCAIS request for an extension, this Judge may issue a Decision without the brief.

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

No specific format is required for briefs. However, I do require findings of fact and conclusions of law.

MANDATORY MEDIATIONS

1. List the offices where you conduct mandatory mediations:

This Judge will conduct mediations virtually for the Reading Field Office.

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

At the present time, all mediations will be scheduled virtually.

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

This Judge prefers that Counsel participate by audio with video. Also, all parties should join the mediation via the Teams link so break out rooms can be utilized. The call in number should be used as a last resort.

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

At this time, all mediations will be scheduled virtually.

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

a. What information do you require in that Statement?

The mediation statement should explain the procedural posture of the case, a brief recitation of the factual and medical issues in dispute, the dates of disability, the amount of medical bills outstanding and the amount of any liens or offsets (if known). Also, the parties should know the status of Claimant's Medicare entitlement and should provide any other information the parties deem significant for the evaluation of the case.

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?

The parties are strongly encouraged to submit a Mediation Statement at least 24 hours prior to the start of the mediation.

6. If there is a request to postpone a mandatory mediation, will it be rescheduled? Yes, but only upon request of the parties and subject to this Judge's discretion. The parties have the option to request a Voluntary Mediation as well.

If so, how long until it is rescheduled? If a party wishes to postpone or cancel the mandatory mediation, they must contact the mediating Judge.

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

Yes, for good cause.

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

The day prior to the mediation.

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

Counsel should discuss a settlement demand/offer in advance of the mediation. Medical bills and totals should be exchanged beforehand. Additionally, if a resignation or release will be required as part of any settlement, this should be discussed by the parties prior to a mediation. Please make sure all decision makers are available by phone or TEAMS link.

VOLUNTARY MEDIATIONS

1. Do you conduct Voluntary Mediations?

Yes.

2. How should the parties request a Voluntary Mediation?

The parties should email my assistant, Cindy Binkley (cbinkley@pa.gov) to obtain available dates. Once a date and time are confirmed by my assistant, the parties are to request a Voluntary Mediation via WCAIS with the date and time set forth therein.

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

All mediations will be conducted virtually.

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

Yes. I will conduct virtual voluntary mediations for any WCOA District in 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? If yes, describe any special procedures you have for such cases:

Yes. No special procedures.

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

At the present time, all mediations will be virtual via Microsoft Teams.

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

I require participation by audio with video. Parties should utilize the Microsoft Teams link, and only use the dial in number as a last resort. This is to allow access to the breakout rooms in Microsoft Teams.

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

At the present time, all mediations will be virtual via Microsoft Teams.

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

a. What information do you require in that Statement?

The mediation statement should explain the procedural posture of the case, a brief recitation of the factual and medical issues in dispute, the dates of disability, the amount of medical bills outstanding and the amount of any liens or offsets (if known). Also, the parties should know the status of Claimant's Medicare entitlement and should provide any other information the parties deem significant for the evaluation of the case.

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?

The parties are strongly encouraged to submit a Mediation Statement at least 24 hours prior to the start of the mediation.

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

It will depend on this Judge's schedule, but Voluntary Mediations will generally be scheduled within 30-60 days.

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

Yes, if needed.

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?

Parties should contact the mediating Judge.

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

The day prior to the mediation.

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

Counsel should discuss a settlement demand/offer in advance of the mediation. Medical bills and totals should be exchanged beforehand. Additionally, if a resignation or release will be required as part of any settlement, this should be discussed by the parties prior to a mediation. Please make sure all decision makers are available by phone or TEAMS link.

REQUESTS/MISCELLANEOUS

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

Although requests will be considered on a case-by-case basis, it is STRONGLY preferred that such requests be made at least 48 hours in advance of the event.

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

None. I will not conduct conference calls off the record. All conference calls will be held on the record.

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

Communications with this Judge should be through WCAIS. Emails will be accepted for emergencies.

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

Cases may reasonably exceed the allotted time if necessary, and if the schedule allows additional time.

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

There are 2 ways: An email to my assistant or an email to me (anlorenz@pa.gov). All communication must be copied to opposing counsel.

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.