

LAWYERS JOURNAL

Attorneys Against Hunger aims to reach \$1 million milestone

By Matt Sober

With the annual Attorneys Against Hunger campaign on the verge of reaching the \$1 million milestone, co-chair Bryan Neft believes there's one reason why Allegheny County Bar Association members have demonstrated such commitment to the cause, now in its 18th year. "I think it's our duty," Neft says.

Neft, who is marking his tenth year as co-chair, says the ability to provide immediate help to neighbors in the Pittsburgh area has always made Attorneys Against Hunger a uniquely meaningful cause for ACBA members.

In the campaign's first year, 1993, \$20,000 was raised. Last year, more than \$111,000 was contributed.

"We've been lucky because the membership has rallied behind it. All the money has always gone directly to the hunger-relief organizations," Neft says.

"We in the bar association do this to help our community," he says. "We find it gratifying to be able to help kids, the elderly, and others who are hungry."

Mary McGinley has co-chaired the campaign with Neft for the past five years. She says that being so close to the \$1 million milestone is a tribute to the compassion of ACBA members. "I do not think that very many imagined that we would reach this benchmark this quickly," McGinley says. "It is a testament to the generosity and dedication of the members and Sections of our bar."

Three groups—McGinley family members of the bar, Eckert Seamans

Cherin & Mellott, and the Rita M. McGinley Foundation—have joined to offer a \$15,000 challenge grant. The grant will be issued when this year's campaign hits the \$75,000 mark, or three-quarters of the \$100,000 goal.

"(Attorneys Against Hunger) is a cause that we support because the money that is raised is dispersed to several agencies throughout our region and impacts them in a very direct way," McGinley says.

Attorneys Against Hunger raises money through appeals to ACBA's 6,500 members, law firms, and ACBA Sections. Money is collected from November through February, and the funds are distributed among 14 organizations in April. Recipients of funding include the Greater Pittsburgh Community Food Bank, Jubilee Kitchen, and Squirrel Hill Food Pantry.

But Allegheny County Bar Foundation Director Lorrie Albert says that financial support isn't the only way to contribute to the campaign.

"We have at least four outreach events every year where we arrange for our members to volunteer on a Saturday morning at one of the neighborhood food banks or food-providing organizations. It's a great way to roll up your sleeves and really be a part of the process," Albert says.

One such outreach event is planned for Nov. 20, when a Thanksgiving dinner distribution will take place at

the Urban League's Human Services Building along Smithfield Street.

The outreach events allow ACBA members' families to get involved, too.

"It's not only something for the members, but we can teach the kids something, as well," says Albert, whose own daughter, Amanda, used a school paper to make the case for having an Attorneys Against Hunger fundraiser.

Barbara Griffin, ACBF Pro Bono Coordinator, has a daughter who has volunteered twice at a food pantry.

"Both times we cleared out the food storage area, cleaned it, and put all the food back," says Griffin's daughter, Joan, 12. "I helped with sweeping and mopping the floors, and I helped organize the food and supplies that were going back on the shelves."

She also realized that giving has rewards of its own.

"The experience was fun, but the best thing about it was that we were doing good while having fun.

I like organizing stuff, so it was really kind of fun to help decide how to organize the food on the shelves. And it just felt good to do it," Joan says.

Erin Rhodes, ACBF Programs and Project Coordinator, says part of the campaign's success can be attributed to LexisNexis, which underwrote administrative costs for the first 17 years. That support allowed Attorneys Against Hunger to operate in what Rhodes described as a "very grassroots" manner.

"It's our one program that really has nothing to do with the law," Rhodes says. "We're concerned with giving the money directly to organizations that provide food. It's about making sure food gets to people who need it," Rhodes says. ■



"Hunger is a problem in our society that is not easy to see. In our school, we have the benefit of hot lunches. There is a rule in the Mt. Lebanon School District that every child must be fed, even if they cannot afford to pay for the food, but some people are not as lucky as those in our community and need our help to be fed," wrote Amanda, 13.



PHOTO CONTRIBUTED BY THE ALLEGHENY COUNTY BAR FOUNDATION

Volunteers during last year's campaign help at an AAH outreach event. This year's campaign will also include outreach events at local hunger agencies to give volunteers a hands-on experience serving others.

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GENDER BIAS DUTY OFFICERS

If you have observed or experienced any form of gender bias, you may contact one of the following members of the Gender Bias Subcommittee of the Women in the Law Division. The duty officers will keep your report confidential and will discuss with you actions available through the subcommittee.

Kimberly Brown412-394-2323
 Rhoda Neft.....412-261-2753
 Susan Seitz412-544-7882

ETHICS HOTLINE

The ACBA Professional Ethics Committee "Ethics Hotline" makes available Committee Members to answer ethical questions by telephone on a daily basis.

November
 Thomas D. Arbogast412-577-5226
 Gayle R. Kraut.....412-261-4466
 John H. Riordan, Jr.412-394-3338

December
 Michael M. Lyons412-392-2070
 Martin W. Sheerer412-781-3100

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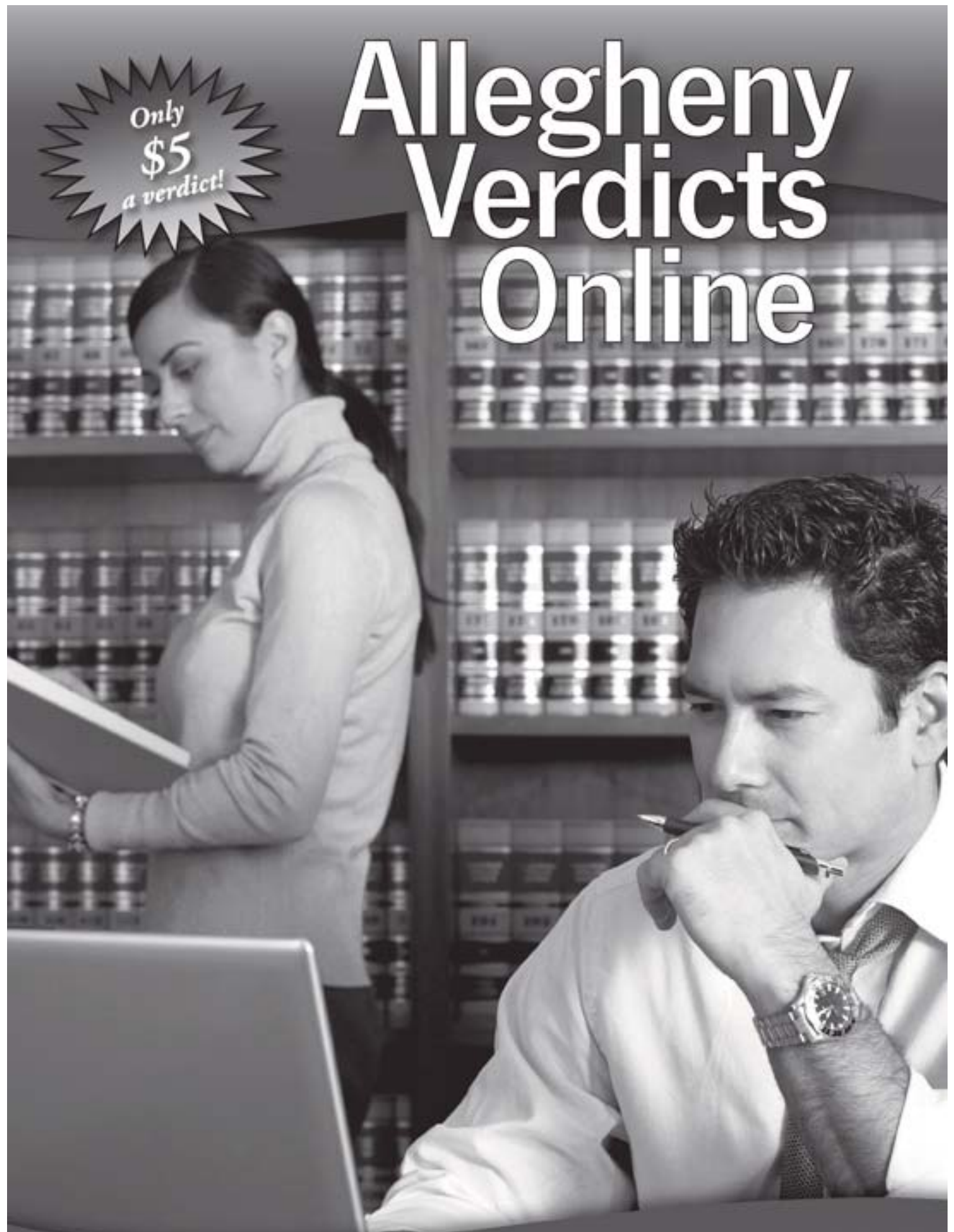
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From the Bar Foundation

ACBF to give \$23,650 in legal aid grants

In early 2011, the bar foundation will distribute a total of \$23,650 to six organizations that provide direct legal service to low-income clients in Allegheny County. The ACBF is proud to support the following agencies:



Jewish Family & Children's Service of Pittsburgh

To support the cost of Legal Services for Immigrants & Internationals (LSII) that will provide training, professional supervision, oversight, and mentorship to attorneys helping immigrants to apply for green cards.



KidsVoice

To support the cost of Fostering School Success which will help approximately 600 children in foster or group home care to remain in their home school districts or, if transferring schools is necessary, to be enrolled in an appropriate educational program.



Mental Health America Legal Services

To ensure that people with mental illness receive legal assistance in a timely and understanding manner

thereby ensuring them the best opportunity to achieve positive resolutions to their legal problems.



Neighborhood Legal Services Association

Neighborhood Legal Services Association

To support the cost of creating a pro se portal on NLSA's website and organizing "Pennsylvania I-CAN" tax sessions in NLSA's Pittsburgh office.



Pittsburgh AIDS Task Force

To support the cost of the Pro Bono Legal Assistance Program which 1) ensures that clients receive necessary legal advice and assistance in a timely manner, 2) ensures that all clients, regardless of legal issue, have an attorney with expertise in that area to advise or represent them, and 3) to further the education of those in the legal profession about legal issues related to HIV/AIDS.



Women's Center & Shelter of Greater Pittsburgh

Women's Center & Shelter of Greater Pittsburgh

To support the Civil Legal Project in providing representation and advice to ten individuals on civil legal matters in divorce cases involving domestic violence.

Pro Bono Center news and events

Volunteer attorneys trained to assist low-income individuals and families

Allegheny County attorneys have many opportunities to receive free CLE credit while learning how to represent low-income residents in areas of law where volunteer attorneys are critical to ensuring equal access to justice. The following programs were offered this fall:

"Introduction to Deportation Defense" and "Introduction to Protection of Clients Who Fear Future Persecution or Torture"—Oct. 8.

This training touched upon basic and intermediate aspects of defending non-citizen clients in deportation proceedings and preparing cases for fear-based forms of relief. It was sponsored by the Pennsylvania Immigration Resource Center, the Pittsburgh Chapter of the American Immigration Lawyers Association, the Immigration Committee of the Allegheny County Bar Association, Jewish Family and Children's Service of Pittsburgh, and the Pro Bono Center.

"Helping Domestic Violence Victims Obtain Protection Orders"—Nov. 5.

This course by Neighborhood Legal Services Association trained attorneys to obtain final protection from abuse orders (PFAs) for victims of domestic violence.

Additionally, the Pittsburgh Pro Bono Partnership welcomed Pennsylvania Supreme Court Chief Justice Ronald Castille to the Partnership's annual meeting on Thursday, October 21, 2010. Justice Castille's remarks were followed by a one-hour ethics



PRO BONO CENTER

Allegheny County Bar Foundation

CLE program entitled **"The Top Ten Reasons Attorneys Don't Do Pro Bono"**—an interactive program that got lawyers talking about the rewards and challenges of providing free legal services to low-income clients through Partnership programs.

Watch the *Pro Bono e-newsletter* for announcements on new upcoming CLE training sessions.

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Clinic tells truth about probate, living trusts to local citizens

By Drew Hardman

The Probate and Trust Law Section of the Allegheny County Bar Association partnered with the Pennsylvania Office of Attorney General on October 20 to offer the final in a series of four free clinics designed to educate and inform citizens in the Moon Township area on issues concerning revocable living trusts and probate, with special focus on how to guard against living trust scams.

Titled "Truth About Probate and Living Trusts," the clinic was held at the Crowne Plaza Hotel in Coraopolis, where attendees listened to a panel discussion featuring John Abel, representing the Pennsylvania Attorney General's Office, as well as ACBA members Thomas Crowley, Christine Kornosky, Mark Reardon, and Edward McKenna, the Chair of the Probate and Trust Law Section.

"The purpose of these clinics is to educate and engage people who have been bombarded with what we call 'trust mill' advertisements and fliers and make sure they know how to avoid these scenarios," McKenna said.

Each member of the panel kicked off the clinic with their own personal remarks, before opening the discussion to the public with a question and answer session. McKenna focused his efforts on defining the probate process.

"I think there's a lot of misinformation out there on probate and how much it costs, what is involved, how much time it takes," McKenna said.

The probate process charges a personal representative with the task of handling the decedent's assets and settling the decedent's affairs. According to the Probate and Trust Law Section, the probate process in Pennsylvania is an efficient way to protect beneficiaries and creditors and to assure proper distribution of estate assets. Another advantage of probate is the prevention of fraud.

"Probate is the process by which a will is proven to be authentic, and then an estate is administered according to



PHOTO BY DREW HARDMAN

Panel members discuss issues concerning revocable living trusts and probate with attendees at a free clinic open to the public on October 20. (From left to right, panelists Tom Crowley, Christine Kornosky, John Abel, and Mark Reardon.)

the terms of the will and the laws of the commonwealth," panel member Christine Kornosky said.

Living trusts, on the other hand, are legal entities to which assets can be transferred and managed by a trustee. Today, revocable living trusts are heavily marketed as substitutes for wills—often making use of exaggerated tales of costs and delays in the administration of estates.

"Both are subject to inheritance tax," Kornosky explained. "This is one of the claims commonly made—that you can skip the inheritance tax with a living trust. That's not true."

Other common misconceptions include inaccurate claims that living trusts provide both death tax benefits and protection from creditors.

"Our attorneys see every day how important it is to get the correct

information about probate and living trusts into the hands of our county residents before they make misguided decisions that could negatively affect themselves and their families," McKenna said.

As the immediate past chair of the Probate and Trust Law Section, Kornosky said her goal was to encourage members of the public to make an educated decision concerning estate planning.

"It's important that everyone consults with an attorney that they trust with their estate planning, rather than purchase a one-size-fits-all package from a door-to-door salesman," Kornosky said. "We need to help them protect themselves from unscrupulous salespersons."

"Whether to go with probate or not is a decision a client makes with their

attorney after looking at the specific situation," McKenna added.

Representing the Pennsylvania Office of Attorney General, Abel has personal experience prosecuting individuals behind living trust advertisements that make misrepresentations to the public. The state Attorney General's Bureau of Consumer Protection also advocates for parties who have suffered from living trust scams.

October's clinic was the last in a series of four similar programs held across Allegheny County.

"We're trying to blanket the county," McKenna said. "We went to the north, east, south, and now we're hitting the west—the airport corridor."

Panel members encouraged audience interaction, implementing a roving microphone for audience members to voice their questions and concerns.

"Our best clinics have been the ones with a lot of interaction from the public," Kornosky said.

The clinics have been well received, with attendance numbers reaching approximately 250 attendees. Representatives from the Probate and Trust Law Section distributed copies of "The Truth About Probate & Living Trusts in Pennsylvania," an original booklet published in 2003, to each audience member. Other handouts included an informational brochure issued by the Pennsylvania Office of Attorney General and contact information for the ACBA Lawyer Referral Service.

Kornosky reported overwhelmingly positive feedback for each of the free clinics.

"The general public is so appreciative of the fact that attorneys, a judge, and a representative from the Attorney General's Office are all offering their time for free to educate them about living trusts, wills, estate planning, and just how to avoid being scammed," she said.

October's "Truth About Probate and Living Trusts" clinic was made possible by a grant from the Allegheny County Bar Foundation. ■

Pa. Supreme Court adopts code of conduct for court employees

By Stuart Ditzen

The Supreme Court of Pennsylvania has adopted a comprehensive Code of Conduct that applies to approximately 15,000 state-level and county-level court employees.

Among its provisions, the Code of Conduct bars court employees from using their positions for personal gain, from soliciting or accepting additional compensation beyond their salaries for the performance of their duties, from doing special favors, or from misusing court resources, supplies, or equipment to benefit themselves or others.

"Many of these rules are fundamental to a good faith relationship between the judiciary and its employees and the citizens of Pennsylvania," said Chief Justice of Pennsylvania Ronald D. Castille. "Our employees traditionally have been held to high standards and they have lived up to them for the most part. Adopting

a formal Code of Conduct is a best practice that will help the courts maintain and strengthen those standards."

Zygmunt A. Pines, Court Administrator of Pennsylvania, said the Code of Conduct is the product of two years of research and review by the Administrative Office of Pennsylvania Courts (AOPC). Pines said the AOPC studied conduct codes of 26 state judicial systems and the federal courts.

"Public service imposes special obligations," said Pines. "This Code of Conduct for employees is a road map that will provide immeasurable guidance for all of us as we strive to serve the public honorably."

The Code of Conduct, which took effect October 1, covers all employees of the Unified Judicial System, including all state-level court employees and all county-level employees who are under the supervision of the president judge in each judicial district, such as employees in

judges' chambers, in court administration, and other court-related offices.

The Code of Conduct requires court employees to safeguard confidential information acquired in the course of their work and bars them from disclosing confidential information for any but an official purpose.

The code also prohibits court employees from engaging in partisan political activity as set forth in guidelines issued by the Supreme Court in an order on Nov. 24, 1998 (and originally adopted in 1987).

The code lists 14 points of workplace conduct for employees including requirements that they work diligently, treat others with respect and impartiality, avoid impropriety and refrain from discrimination, harassment, or retaliation against others.

The code requires employees to report to their immediate supervisors any attempt by anyone to induce them

to violate any provision of the code. It also mandates that employees must disclose to their supervisors if they have been arrested, charged with or convicted of a crime—other than a summary traffic offense—in any jurisdiction.

The code specifically references Pennsylvania's whistle blower statute which protects employees from retaliation for reporting wrongdoing. Chief Justice Castille noted that employees should be aware that they can report wrongdoing, even by a president judge as happened in Luzerne County, without retaliation.

Adoption of the code by the Supreme Court follows its 2008 adoption of a system-wide policy on non-discrimination and equal employment opportunity.

The employee Code of Conduct and other court policies are posted on the website of the Unified Judicial System at: <http://www.pacourts.us/Links/Judiciary/>. ■

ACBA Health Law Section stays active with monthly programs

By Debra Duncan

The Health Law Section of the Allegheny County Bar Association will discuss an overview of the new federal health care reform law at its monthly luncheon roundtable on Friday, November 12.

Section Chair Heather L. Bednarek said that Kristen Belz Ornato, of Thorp Reed & Armstrong's Employee Benefits group, will discuss the impact of the Health Care Reform Act on employers.

"Health care reform will have a large impact on everybody in our Section because it will change the way care is delivered," Bednarek said. "So it will be interesting to see what happens with the changes."

"We have a very diverse Section," said Bednarek. "We're split about 50-50 on the two sides of the business. On one side, we have the corporate attorneys, and on the other side the litigation attorneys representing providers and patients."

Informing members of changes in federal and state laws is a big part of the Section's mission, which states: "The Health Law Section shall provide a forum for communication, education, exchange of ideas, and development of professional relationships among all members of the bar association interested in any aspect of the field of health law.... It shall also serve as a resource for analysis of legislation, regulation and for the dissemination of

information on healthcare law to its members and the community at large."

Bednarek is an attorney with Thorp Reed & Armstrong, and her section of the firm represents community hospitals. "We have a very dynamic field in the Section," she said, "with attorneys representing patients, doctors, hospitals, device makers, insurers, and payers—all different facets of health care."

"But we do our best to educate all the members on the law that interests them. We cover issues related to care and finances, but also issues in the biotech field too."

The Section holds monthly roundtables, with speakers on various topics, at the bar association's offices. Meeting from 12 noon until 1 p.m., attorneys can enjoy a light lunch while listening to a speaker and then ask questions that pertain to their own area.

"Our Section is fairly small, but we usually get 20 to 30 attorneys who attend our monthly meetings," Bednarek said. The Health Law Section is one of the smallest specialty areas in the bar association, with 155 attorneys.

Bednarek took over as the new Health Law Section chair in May, for a one-year term. Other officers of the Section include: Vice-chair Amy Dolan Strano of the Achieva Family Trust, Secretary Anna Bamonte Torrance of Houston Harbaugh, and Treasurer Susan M. Seitz of Highmark Insurance.

As chair, Bednarek works with the Section's officers to develop topics for

the monthly programs. In December, the Health Law Section plans to have a presentation by the University of Pittsburgh National Health Care Moot Court Team, which will compete in Illinois.

January's monthly roundtable topic will be immigration issues as they affect the health care industry in Pittsburgh, Bednarek said. The Section holds its annual meeting in May, which will also have a continuing legal education program.

Bednarek said in addition to federal regulation changes, another major area of change for attorneys in the Health Law Section comes from state changes in regulations and the law. "On the corporate side, there may be changes in the state Medicaid program and its regulations that affect hospitals," she said. "Or county budget changes may have a large impact on health care programs."

In September, the Section roundtable speakers were attorneys and local physicians who worked on a case of HIV-induced facial wasting conditions. They discussed how they got treatment for the condition covered by the Centers for Medicare-Medicaid Services.

In October, attorneys heard speakers from the University of Pittsburgh's Graduate School of Public Health give an overview of public health law, as it applies to immunizations and vaccinations.

Jessica Ellel, attorney with Houston Harbaugh, is Immediate Past Chair of the Section. "My group in our law firm

represents physician practices and doctors, so we often deal with Medicare rules or issues relating to running a doctor's office, such as the HIPAA (Health Insurance Portability and Accountability Act) rules," she said.

"One thing our Health Law Section does very well is that every year we discuss new Medicare issues and rules that affect how our doctors manage their practices. With the new Health Care Reform Act, it definitely will be a busy time in the next couple years for the health insurance industry, and we have a lot of Section members from Highmark, UPMC, and Aetna, for instance."

She said electronic medical records is another big topic these days, including privacy concerns with sharing a patient's information. Ellel said the Section also tries to hold two continuing legal education programs a year.

"All Pennsylvania attorneys need 12 CLE credits a year, and one must be in ethics," Ellel said. "So the Health Law Section usually tries to have a CLE program in the spring at our annual meeting and also one in the fall." She said the Section's annual meeting is usually held at the Rivers Club or at the ACBA offices.

"We have an open and friendly group, so I think we provide a good service to our members. They are free to suggest topics, and we usually have a very lively discussion at our monthly meetings," Ellel said. ■

Failure to keep employee informed may indicate insufficient response

By Maria Greco Danaher

An employer's failure to keep a female employee apprised of its response to her complaints of sexual harassment and its further failure to follow through on remedial actions could lead a reasonable jury to find that the employer did not take the complaints seriously. Such failures form the basis of a recent decision by the Eighth U.S. Circuit Court of Appeals in which the Court denied an employer's post-trial motion regarding a \$100,000 jury verdict. *Sheriff v. Midwest Health Partners, P.C.*, Eighth Cir., No. 09-3367, Aug. 30, 2010.

Sheri Sheriff was a licensed physical therapist employed by Midwest Health Partners in Nebraska. Midwest had acquired a chiropractic clinic in 2003 and had asked Sheriff to run the clinic's physical therapy department. After she began working at the clinic, one of the employed chiropractors (Dr. Meyer) began to act toward Sheriff in a way that made her uncomfortable, including touching her and putting his arm around her. When she informed one of the nurses about Dr. Meyer's conduct, Sheriff was told to "get used to it," because "that's just the way he is."

Dr. Meyer's conduct continued, and Sheriff ultimately reported the issue to Midwest's management. Sheriff also wrote a letter to Meyers, explaining that the advances were "NOT okay!" and that she did not want further physical contact with him. Meyer apologized to Sheriff and said it wouldn't happen again.

In spite of the fact that Midwest's president (Dr. Vrbicky) was aware of a prior female patient's complaint involving Meyer, no one from Midwest discussed Sheriff's allegations with Meyer until Sheriff learned of that complaint, and of other instances involving another female patient. At that point, Sheriff spoke to Midwest's Practice Manager about the situation. In addition, Meyer again began to touch, grab, and embrace Sheriff, wrapping his arm around her and touching her breasts. Sheriff then obtained an attorney who wrote to Midwest, advising it "to take aggressive action to protect itself," and making several recommendations to stop Meyer's behavior. Seven weeks later, in November 2005, Midwest met with Meyer, asking him to participate in counseling and requesting that he sign an acknowledgement of his inappropriate behavior. He did neither, and his behavior with respect to Sheriff took on a condescending and intimidating tone.

In a Jan. 4, 2006 letter, and at a Jan. 13, 2006 meeting, Midwest again set forth its remedial recommendations, and again, Meyer refused to participate. Finally, on February 23, he agreed to attend sexual harassment training, but only attended one of five sessions. During this same period, Sheriff was told that Meyer would be terminated within 45 days. He was not, and Sheriff was given no reason for that turn of events.

On April 11, 2006, Sheriff resigned and brought a legal action against Midwest. At trial, a jury awarded to Sheriff

\$100,000 on her hostile work environment claim, and Midwest filed a post-trial motion for judgment in its favor. The Eighth Circuit denied that motion, finding that the jury had a reasonable basis for its verdict.

The Eighth Circuit's opinion includes two points of which employers should be aware: first, it rejected Midwest's argument that Meyer was simply a "touchy person" who patted men on the buttocks, and therefore, his conduct was gender neutral and not sexual harassment. Once again, a federal appellate court has rejected that argument, pointing to the fact that in this case, there was no evidence that Meyer "pulled men into his body" nor was there evidence of any complaints by men or by male patients. Secondly, at least three times in its opinion, the Court mentions the fact that Midwest failed to apprise Sheriff that it was taking action in an attempt to remedy

the complained-of situation, or failed to follow up on the termination action that it told her that it was taking. It cites those failures as a possible basis for the jury's finding that Midwest did not take Sheriff's complaints seriously. Whether or not that was the reason for Midwest's failures, it is important to note that this Court believed that open communication with Sheriff regarding Midwest's remedial efforts was an important element of the employer's responsive actions to Sheriff's complaints. While there is no legal obligation to inform a complainant of each and every detailed step in a disciplinary action taken against an alleged harasser, the fact that the complainant is treated with courtesy and respect, and is a full participant in the process, can play a role in the way that a court or a jury views the credibility and effectiveness of the employer's attempted remedial actions. ■

Publicize Your Section and Committee News!

The ACBA Communications Department is eager to promote any special activity or newsworthy event emanating from your Committee or Section of interest to ACBA members, the media, or the general public. E-mail us at news@acba.org with the following information:

- ◆ Name and description of the event
- ◆ Name(s) of the sponsoring section/committee(s)
- ◆ How many people do you expect to attend?
- ◆ Will there be an admission fee or ticket sales? If so, how much?
- ◆ Is there any other information you would like to share with us?
- ◆ Date, time, and place of the event
- ◆ Name(s) of speakers and titles of presentations
- ◆ Name and phone number of a contact person
- ◆ Are reservations needed to attend the event?

Thank you for your cooperation! ■

Employer should allow certification period to expire before taking adverse action

By Maria Greco Danaher

The Sixth U.S. Circuit Court of Appeals has held that an employer must wait until the expiration of the medical certification period in order to deny FMLA leave to an employee. *Branham v. Gannett Satellite Information Network, Inc.*, Sixth Cir., No. 09-6149, Sept. 2, 2010.

Deborah Branham filed suit against her employer, *The Dickson Herald*, a newspaper owned by the Gannett Satellite Information Network, Inc. (Gannett), after she was terminated for failure to follow the company's attendance policy. On Nov. 6 and 7, 2007, Branham was absent from work because her son was ill. On November 8, Branham called the paper's office manager (Buhler) to say that she (Branham) was sick and would be absent that day. She did the same on November 9. On Monday, November 13, Branham's husband called Buhler to say that he was taking Branham to see a doctor (Dr. Singer). At her appointment with Dr. Singer on that day, Branham reported herself to be suffering from "migraine headaches, menstrual

problems, depression, insomnia, and a stomach virus." However, Dr. Singer released Branham to return to work on November 14, and Branham called to let Buhler know that. Buhler then asked Branham to come in to fill out paperwork for short term disability leave. However, Branham did not return to work on November 14 even though she was released to return that day, nor did she return at any point after that. She did, however, fax a medical certification noting her return to work date as November 14.

When Branham had not returned to work by November 20, Buhler called Branham to say that her job would be in jeopardy unless she could produce documents that confirmed her need to be off work. Branham informed Buhler that the wrong doctor had completed the November 14 certification, and that she would provide additional clarification from her primary care physician. However, when no such information was received by Gannett by November 24, the company made the decision to terminate Branham's employment. A termination letter dated Nov. 24, 2006, was sent to Branham by registered

mail on Tuesday, November 28; Branham was contacted by phone on that same day to inform her of the firing. That same evening, Gannett received a faxed certification form signed by a nurse practitioner (Seefeldt) which stated that Branham would not return to work until January 1, 2008.

Branham ultimately filed a complaint in federal court alleging that Gannett violated the FMLA by interfering with her use of FMLA and by firing her in retaliation for seeking FMLA leave. The district court granted summary judgment to Gannett. The court found that an employer must allow an employee 15 days within which to provide medical certification in support of a leave request under the FMLA; the court further acknowledged that Branham provided a supporting certification on the fifteenth day after Branham's husband reported that she was sick and planned to see a doctor, but that Branham had been fired prior to the expiration of that 15-day certification period. However, the lower court found that Gannett was entitled to fire Branham on the eleventh day of the certification period,

once the company had received a "negative certification" from Dr. Singer, allowing Branham to return to work.

The Sixth Circuit reversed the summary judgment for Gannett, finding that Branham was able to show that she was entitled to FMLA leave. The Sixth Circuit found—in a case of first impression for that court—that an employee is entitled to the full 15-day certification period in order to provide a medical certification supporting the need for FMLA leave. That means that even though Gannett had received information from Dr. Singer that Branham's medical condition did not support the need for leave, Branham was entitled to a full 15 days to seek a certification that actually supported that leave.

In most employment-related lawsuits, the judge is the "trier of the law" and the jury is the "trier of the facts." A successful motion for summary judgment can mean the dismissal of a plaintiff's lawsuit on a matter of law. However, the denial of such motion—as in this case—simply means that a court has found a "disputed material fact" which requires review and decision by

Continued on page 8

YLD receives national recognition for programs from American Bar Association

By Marla Presley

The Allegheny County Bar Association Young Lawyers Division recently received national recognition for its programs from the American Bar Association YLD through its annual Awards of Achievement program. The awards were announced in conjunction with the 2010 ABA Annual Meeting in San Francisco.

Once again, the YLD was honored in every category for which it submitted an application. The honors were extended in the categories of Service to the Public, Service to the Bar, and a Comprehensive Award.

The YLD ranked third nationally for its Operation MVP (Military and Veterans Project) which is a three-pronged program designed to recognize and

serve active military personnel and veterans. Through the efforts of the Bar Leadership Class, the "Books for Troops" program sent nearly 4,000 books overseas. With the help of generous donations from firms and individuals, the YLD was able to send 50 care packages to troops in need. Also, an expansive website was created that enables local veterans to easily find all legal and social service resources available to them.

The YLD also received the second place award in the Service to the Bar category for its Practicing Green program which was created to raise awareness on the impact that the practice of law can have on the environment and to educate attorneys on ways to lessen that impact while still maintaining responsibilities to clients. The program

included a free CLE on sustainable real estate and green buildings, awards for firms that implemented the best environmental practices, and promoted the planting of over 150 trees in Pittsburgh parks.

Finally, the YLD was honored in the prestigious Comprehensive category which involved evaluation of all of the YLD's new or expanded projects that occurred during the 2009-2010 year. The YLD submitted nearly 15 projects for consideration, including Stepping Out, Wills for Heroes, the BLI's Landlord/Tenant Law Seminars, the Young Lawyers Fellows program, the Young Professionals Mixer, the "Fight Like A Girl" program, and the Comedy Night Fundraiser.

The awards culminate an exceptional year for the ACBA Young Lawyers

Division, during which its members and their leaders achieved enormous success in service to the public and the profession.

The ABA YLD's Awards of Achievement Program is an opportunity for state and local young lawyer organizations affiliated with the ABA YLD to submit their best projects for evaluation and recognition by a jury of their peers. It is designed to encourage project development by recognizing the time, effort, and skills expended by young lawyer organizations in implementing public service and bar service projects in their communities.

The ACBA YLD is tremendously proud of its accomplishments and sincerely thanks all of its members for their continued dedication and support. ■

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**Allegheny County
Bar Association**

*Raising the Bar
on Legal and Community Service*

PRO BONO CENTER continued from page 3**"See One, Do One, Teach One"**

Experienced volunteer attorneys have a lot to offer not only to their clients, but to their fellow volunteer attorneys who may be venturing into a new area of law or an unfamiliar proceeding on behalf of a low-income individual. The next time you go to Family Court for a PFA or custody conciliation, or to a community legal clinic or immigration court, take someone along! In this way, you can help develop and maintain the numbers of skilled attorneys providing volunteer legal services to low-income residents of Allegheny County.

If you are available to serve as a volunteer mentor, or if you would like to "see one," contact Barbara Griffin at bgriffin@acba.org or 412-402-6668 and she will help make a connection that will be the first step in building a legacy of volunteerism.

Share your story with the Pro Bono Center

Were you able to use your skills as a lawyer to make a positive impact on someone's life? Did you solve a client's legal problem with just a phone call or a letter, or reach a settlement in a case that would have dragged on and on?

The Pro Bono Center invites you to share your story about a pro bono experience. We encourage you to tell us about your successes and your challenges in doing pro bono work. And we always enjoy hearing about the ways clients show appreciation for your work, whether they send you a letter, knit you a scarf, or simply say "Thanks, you helped me so much." This information inspires new volunteers and helps us identify ways that we can assist attorneys in their volunteer work.

You may be featured in the *Lawyers Journal*! Share your story with Barbara Griffin at bgriffin@acba.org or 412-402-6668.

Duquesne Law School students available to assist pro bono attorneys

The Duquesne University School of Law Pro Bono Program coordinates volunteer opportunities for students with non-profit organizations and attorneys in the private sector who provide legal services to clients free of charge or for a substantially reduced fee. Second and third-year law students are available to help with legal research and other project-based assignments. This program may be especially helpful for sole and small firm practitioners.

If you are a public-interest organization or licensed attorney who is interested in assistance from a law student volunteer for a pro bono matter, please contact probonolaw@duq.edu or call the Pro Bono Office at 412-396-1905. The Duquesne Law School Pro Bono Program looks forward to working with you to provide legal services to those whose legal needs would otherwise go unmet.

LexisNexis renews legal research grant

LexisNexis has generously renewed its grant to the Allegheny County Bar Association for 2010-2011. Thank you! This grant allows the bar foundation to continue to offer access to free online legal research for volunteers working on pro bono cases through Pro Bono Center member projects and member organizations. We encourage you to use this valuable service.

To gain access to LexisNexis online services, please e-mail your full name and PA attorney ID# to bgriffin@acba.org or call Barbara Griffin at 412-402-6668 to obtain your personal identification number and password. ■

EMPLOYER continued from page 6

the jury. Here, the Sixth Circuit determined that the difference in the two certifications—the immediate return to work from Dr. Singer, and Nurse Practitioner Seefeldt's certification of Branham's ongoing incapacity—was "the essence of a factual dispute that precludes summary judgment." By not waiting for the entire certification period to expire, Gannett set the stage for this lawsuit, which occurred when the company assumed that the first certification was the only paperwork that they would receive within the allowable 15-day response period. Although neither the FMLA nor its supporting regulations specifically instruct an employer to wait until the full expiration of the 15-day certification period, this case is an example of the result of failing to do so.

Importantly, the Sixth Circuit also found that Gannett was not entitled to

delay or deny FMLA leave to Branham, because there was no evidence that the company formally requested the medical certification in accordance with the FMLA regulations. In fact, the evidence showed that Gannett failed to make a proper request for the information. The company's short term disability form doubled as its FMLA leave form, and failed to include information (required by the FMLA regs) about FMLA certification or the consequences of returning the certification in a timely manner. Therefore, a reasonable jury might find that the 15-day certification period was never triggered.

This case is an example of the administrative complexities of the FMLA, and the resulting confusion when an employer is not fully compliant with the law and its regulations. Thorough training of HR and management is critical for full compliance with the Act. ■

Bar Briefs

People on the Move

Weltman, Weinberg & Reis Co., LPA is pleased to welcome new associate Keri P. Claeys. Claeys will be working in the Consumer Bankruptcy Group in the Pittsburgh office.

Pepper Hamilton LLP announced that two associates have joined the Pittsburgh office. Thomas Pietro has joined as an associate in the Commercial Litigation Group. Chaitra Gokul, an associate in the Corporate and Securities Group, has relocated to Pittsburgh from Pepper Hamilton's Philadelphia office.

Buchanan Ingersoll & Rooney proudly welcomed nine new associates to the firm's Pittsburgh office. Terry D. Roberts joined the Labor and Employment Section. Patrick R. Malone, Victoria Bechtold Kush, and Bradley J. Kitlowski joined the Litigation Section. Steven D. Czajkowski joined the Intellectual Property Section. Daniel L. Williams and Matthew E. Shames joined the Financial Services Section. Shawn N. Gallagher joined the Real Estate Section as well as the firm's Marcellus Shale/Oil and Gas Practice Group. Nicholas E. Meriwether joined the Bankruptcy & Creditors' Rights Section.

Scott Greenfield has joined Hull McGuire PC as Of Counsel.

David K. Schoyer, formerly Of Counsel to Kuhn, Engle and Stein, has opened his own office at the Investment Building, Suite 1711, 239 Fourth Avenue, Pittsburgh, Pa. 15222; 412-400-8703.

Changes in Status

Richard S. Baumhammers is disbarred on consent.

Kathleen Theresa O'Boyle is suspended for a period of three years.

Andrew J. Ostrowski is suspended for a period of one year and one day.

New Members

The following individuals were accepted as new ACBA members at the October 5 meeting of the ACBA Board of Governors: (attorneys) Thomas G. Donahue, Keith Emerick, Evan J. Gascoine, Dorothea S. Hall, Franco D. Harris, Theodore D. Koskoff, Jonathan M. Mastrangelo, Owen J. McGrann, Scott K. McKernan, David G. Meredith,

Augusto I. Molina, Nancy E. Potter, Charles W. Pugh, Brandon P. Smith, Jerrell Smith, Elysia C. Tomlinson; (students) Nicole L. Albanese, Rebecca E. Alcorn, Anderson E. Anderson, Michael A. Aubele, Caleb C. Bissett, Megan J. Block, Kelly F. Boland, Luke M. Brocks, Sean D. Callaghan, Allison D. Gaffen, Chelsea A. Getts, Beth S. Hackney, Necia B. Hobbes, Kathryn J. Imler, Steven E. Irlbacher, David C. James, Justin D. Joseph, Richard J. Lorenz, Nicholas Marsilio, Dustin S. McDaniel, Quintarra Morant, Ngofeen Mputubwele, Michael F. Niznik, Elena C. Nola, Meredith J. Norris, Gabriel A. Perlow, Nick M. Ranieri, Amanda J. Reynolds, Michelle A. Ross, Michael L. Rush, Cheri R. Williams, Kaitlin C. Young; (reinstated) David M. Abijanac, Jr., Richard E. Brok, Kristin A. Lawson, Elliott J. Schuchardt, Christopher J. Hall; (reinstated associate member) Jeffrey M. Thompson.

Bar Briefs Policy

1. All submissions for "Bar Briefs" should be sent to the attention of David Blaner, ACBA Executive Director, 400 Koppers Building, 436 Seventh Ave., Pittsburgh, Pa., 15219, or e-mailed to dblanser@acba.org.

2. The "News and Notes" section is limited to announcements regarding legal or community service awards or organization appointments. Announcements related to Best Lawyers in America, Pennsylvania Rising Stars, or Pennsylvania Super Lawyers will not be published.

3. The "People on the Move" section is limited to promotions, new positions, and firm establishments. Only ACBA member announcements will be published.


4. The "Changes in Status" section is limited to Court notices regarding attorney status. These announcements come directly from the state and federal courts and are not edited by ACBA staff.


5. The editors retain the right to accept, edit, or reject submissions at their sole discretion.

6. Due to the overwhelming number of submissions received and the nature of the *Lawyers Journal* production schedule, your announcement will be placed in a queue upon receipt and will be published in the next available issue. If you have a question regarding when or if your announcement will be published, contact Joanna Taylor at 412-402-6604 or jtaylor@acba.org. ■

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In Memoriam

Robert M. McKenzie, 1934-2010

Robert M. McKenzie passed away on May 16, 2010 in Punta Gorda, Florida. He was a member of the class of 1959 at the Law School of the University of Pittsburgh and a graduate of Penn State University.

Bob was an outstanding public lawyer. He had been a relocation attorney for the Redevelopment Authority of Allegheny County when the authority was actively engaged in redevelopment in many of the municipalities surrounding Pittsburgh. He then became a real estate attorney for the Port Authority of Allegheny County when it was busy with the acquisition of property for the development of the PATWAYS and the

"T" to South Hills Village and Castle Shannon. In 1988, Bob was appointed director of real estate for the Urban Redevelopment Authority of the city of Pittsburgh. In that capacity, he was involved in the establishment of air rights in downtown Pittsburgh, among other things, which led to the development of Mellon Center and other improvements, as well as residential development of the Lower Hill. That was his final assignment before retirement to Florida.

Bob is survived by his wife, Diane McKenzie of Punta Gorda, Fl. and a son, Jonathan, a sister Ilene Somers of Shaker Heights, Ohio, and a brother, Jay McKenzie of Apollo, Pa. ■

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STORY IDEAS WANTED



The *Lawyers Journal* is looking for practice tips, lifestyle tips, and human interest stories.

If you have an idea for a story, please contact Joanna Taylor at jtaylor@acba.org or 412-402-6604.

GUIDELINES FOR UNSOLICITED ARTICLES SUBMITTED FOR PUBLICATION IN THE LAWYERS JOURNAL

Because the editors of the *Lawyers Journal (LJ)* receive many submissions for publication we can accept only a portion of those sent to us. Most often, we decline articles because they either discuss topics we have recently covered or serve as promotional material in the guise of an article.

When submitting an article for consideration, please keep these guidelines in mind:

1. Authors are strongly encouraged to discuss article ideas with the editor and submit an outline or capsule summary before investing time in writing. The *LJ* will not agree to run an article until the editors evaluate the full-text article.
2. Every effort will be made to publish an accepted article; however, the *LJ* reserves the right not to publish an accepted article if the material becomes dated, if there is no space to run the article, or if the editorial board raises any other concern.
3. We publish only articles written exclusively for the *LJ*. We will not consider material that an author has sent to other publications.
4. We rely on the author's integrity in submitting original work. Any material derived from other sources should be clearly identified within the text.
5. We evaluate submissions for their value to our audience, timeliness, and credibility. We do not publish articles that promote the author's company, products, or services.
6. Articles should be no more than 2,500 words. Authors must use endnotes to cite sources.
7. Due to the volume of material we publish, we are unable to provide authors with edited manuscripts or galley proofs for review.
8. Authors should explain in simple language any technical terms that would be unclear to the general legal audience.
9. Authors should send a hard copy of the article and an electronic version preferably in MS Word format. Be sure to write the author's name and article title on the label.
10. Write your full name, business affiliation, address, and any pertinent professional designations that should appear in the author's ID. We don't run phone numbers or contact addresses.
11. Articles should be mailed to Jennifer Pulice, Editor, Lawyers Journal, Allegheny County Bar Association, 400 Koppers Building, 436 Seventh Ave., Pittsburgh, PA 15219; faxed to 412-261-6042; or e-mailed to jpulice@acba.org.
12. Because each issue of the *LJ* is copyrighted by the Allegheny County Bar Association, publications wishing to use an article after it has appeared in our journal must obtain our permission to do so.
13. The *LJ* reserves the right to decline to publish any photograph which has been found to be altered or manipulated.

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ADMINISTRATIVE LAW

The Right to Know Law Two Years After

A view of where we are, how we got here, "big issues" that have arisen under the RTKL so far, and suggestions/predictions on where we should go next.

Credits: 6 CLE credits (5 substantive/1 ethics*) *Must attend entire program to receive ethics credit. • **When:** Simulcast - Monday, November 15, 2010; 8:30 a.m. to 3:45 p.m.; check-in begins at 8:00 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book and lunch:** *Early Registration Discount - Member-Pa., or any co. bar assn: \$249; Member admitted after 1/1/06: \$229; Nonmember: \$269; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$125; Judges & judicial law clerks admitted after 1/1/06: \$115; *Standard Registration - Member-Pa., or any co. bar assn: \$274; Member admitted after 1/1/06: \$254; Nonmember: \$294; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$150; Judges & judicial law clerks admitted after 1/1/06: \$140; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

APPELLATE PRACTICE

Tips from the Superior Court Central Legal Staff

This program will provide tips from the Central Legal Staff of the Superior Court regarding Motions Practice before the court and other must-have information to avoid common procedural problems.

Credits: 1 CLE credit (substantive) • **When:** Tuesday, December 7, 2010; Program: 12:00 p.m. to 1:00 p.m.; Registration: 11:30 a.m. • **Where:** ACBA Conference Center Auditorium, City-County Building, 414 Grant Street, Suite 920, Pittsburgh, PA 15219 • **Tuition:** \$40.00 for ACBA Members; \$50.00 for Non-ACBA Members.

BUSINESS LAW

Primer on the Fair Debt Collection Practices Act

This course will give you the knowledge to avoid liability for your firm or your debt collector clients and/or help you recognize when your clients have been subjected to unfair collection practices.

Credits: 4 CLE credits (substantive) • **When:** Monday, November 8, 2010; 8:30 a.m. to 12:45 p.m.; check-in begins at 8:00 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book:** *Early Registration Discount - Member-Pa., or any co. bar assn.: \$199; Member admitted after 1/1/06: \$179; Nonmember: \$219; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$100; Judges & judicial law clerks admitted after 1/1/06: \$90; *Standard Registration - Member-Pa., or any co. bar assn.: \$224; Member admitted after 1/1/06: \$204; Nonmember: \$244; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$125; Judges & judicial law clerks admitted after 1/1/06: \$115; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

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If so, please forward the following information: Court; Case Number; Jury Verdict; Date of Verdict; Judge; Plaintiff's Attorney; Defendant's Attorney; Type of Case; Experts; and Remarks to: Jennifer Pulice, ACBA, 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219

CIVIL LITIGATION

Fundamentals of Products Liability Law

Program designed to provide basic foundation in the relevant law for lawyers who are new to products litigation and useful update on recent law for lawyers with some experience in this area.

Credits: 3 CLE credits (substantive) • **When:** Thursday, November 11, 2010; 9:00 a.m. to 12:15 p.m.; check-in begins at 8:30 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book:** *Early Registration Discount - Member-Pa., or any co. bar assn: \$229; Member admitted after 1/1/06: \$209; Nonmember: \$249; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$115; Judges & judicial law clerks admitted after 1/1/06: \$105; *Standard Registration - Member-Pa., or any co. bar assn: \$254; Member admitted after 1/1/06: \$234; Nonmember: \$274; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$140; Judges & judicial law clerks admitted after 1/1/06: \$130; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

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The practical strategies offered by Dr. Jones – applied by some of this country's most successful trial lawyers – can transform your cases and your practice.

Credits: 6 CLE credits (substantive) • **When:** Simulcast - Thursday, November 11, 2010; 8:30 a.m. to 3:30 p.m.; check-in begins at 8:00 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes 273 page book:** *Early Registration Discount - Member-Pa., or any co. bar assn: \$319; Member admitted after 1/1/06: \$299; Nonmember: \$339; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$600; Judges & judicial law clerks admitted after 1/1/06: \$150; *Standard Registration - Member-Pa., or any co. bar assn: \$344; Member admitted after 1/1/06: \$324; Nonmember: \$364; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$185; Judges & judicial law clerks admitted after 1/1/06: \$175; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

UM/UIM

BASIC level course, intended for those who occasionally handle automobile accident cases and those who are new to the practice area.

Credits: 3 CLE credits (substantive) • **When:** Simulcast - Friday, November 12, 2010; 12:00 p.m. to 3:15 p.m.; check-in and lunch begin at 11:30 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book and lunch:** *Early Registration Discount - Member-Pa., or any co. bar assn: \$219; Member admitted after 1/1/06: \$199; Nonmember: \$239; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$110; Judges & judicial law clerks admitted after 1/1/06: \$100; *Standard Registration - Member-Pa., or any co. bar assn: \$244; Member admitted after 1/1/06: \$224; Nonmember: \$264; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$135; Judges & judicial law clerks admitted after 1/1/06: \$125; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

ELDER LAW

Elder Law Update

Quick refresher of the most significant developments in elder law...as the rules of the games keep changing and can affect your client's ability to achieve their goals.

Credits: 3 CLE credits (substantive) • **When:** Tuesday, November 16, 2010; 9:00 a.m. to 12:15 p.m.; check-in begins at 8:30 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book:** *Early Registration Discount - Member-Pa., or any co. bar assn.: \$229; Member admitted after 1/1/06: \$209; Nonmember: \$249; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$115; Judges & judicial law clerks admitted after 1/1/06: \$105; *Standard Registration - Member-Pa., or any co. bar assn.: \$254; Member admitted after 1/1/06: \$234; Nonmember: \$274; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$140; Judges & judicial law clerks admitted after 1/1/06: \$130; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

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EMPLOYMENT LAW

Employment Law Institute West 2010

The biggest and best employment law program in Western Pennsylvania!
This annual gathering in Western Pennsylvania is not only great education, but a lot of fun.

Credits: 12 CLE credits • **When:** Wednesday and Thursday, November 17 and 18, 2010; 8:30 a.m. to 4:35 p.m.; check-in begins at 7:45 a.m., both days • **Where:** Pittsburgh Marriott City Center, 112 Washington Pl. • **Tuition for 2 Days includes course book or CDs, continental breakfasts, beverage breaks and lunches:** *Early Registration Discount - Member-Pa., or any co. bar assn.: \$499; Human Resources Professionals: \$499; Member admitted after 1/1/06: \$459; Nonmember: \$539; Paralegals attending with an attorney: \$279; Paralegals attending alone: \$319; Judges & judicial law clerks: \$250; Judges & judicial law clerks admitted after 1/1/06: \$230; *Standard Registration - Member-Pa., or any co. bar assn.: \$549; Human Resources Professionals: \$549; Member admitted after 1/1/06: \$510; Nonmember: \$589; Paralegals attending with an attorney: \$329; Paralegals attending alone: \$369; Judges & judicial law clerks: \$300; Judges & judicial law clerks admitted after 1/1/06: \$280; **Tuition for 1 Day includes course book or CDs, continental breakfast, beverage break and lunch:** *Early Registration Discount - Member-Pa., or any co. bar assn.: \$359; Human Resources Professionals: \$359; Member admitted after 1/1/06: \$339; Nonmember: \$379; Paralegals attending with an attorney: \$199; Paralegals attending alone: \$219; Judges & judicial law clerks: \$180; Judges & judicial law clerks admitted after 1/1/06: \$170; *Standard Registration - Member-Pa., or any co. bar assn.: \$384; Human Resources Professionals: \$384; Member admitted after 1/1/06: \$364; Nonmember: \$404; Paralegals attending with an attorney: \$224; Paralegals attending alone: \$244; Judges & judicial law clerks: \$205; Judges & judicial law clerks admitted after 1/1/06: \$195; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

ENVIRONMENTAL LAW

Environmental Crimes Task Force

This program will provide an overview of state and federal environmental criminal law, including the speakers' insights and experiences in the prosecution of environmental crimes.

Credits: 1 CLE credit (ethics) • **When:** Wednesday, November 17, 2010; Program: 12:00 p.m. to 1:00 p.m.; Registration: 11:30 a.m. • **Where:** Buchanan Ingersoll & Rooney PC, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, PA 15219 • **Tuition:** \$30.00 for Environmental Law Section Members; \$40.00 for Non-Section Members; \$50.00 for Non-ACBA Members.

INTELLECTUAL PROPERTY

PLI – “Advanced Patent Licensing 2010: Current Developments and Best Practices”

For more information please go to: www.pli.edu

Credits: 6 CLE credits (5 substantive/1 ethics) • **When:** Simulcast - Monday, November 8, 2010; 9:00 a.m. to 5:00 p.m.; check-in begins at 8:30 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book and lunch:** \$1,595.

PLI – “Bet the Company’ Litigation 2010: Best Practices for Complex Cases”

For more information please go to: www.pli.edu

Credits: 6 CLE credits (5 substantive/1 ethics) • **When:** Simulcast - Tuesday, November 9, 2010; 9:00 a.m. to 5:00 p.m.; check-in begins at 8:30 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book and lunch:** \$1,595.

PLI – Patent Litigation 2010

For more information please go to: www.pli.edu

Credits: 12 CLE credits (11 substantive/1 ethics) • **When:** Simulcast - Monday and Tuesday, November 15 and 16, 2010; 9:00 a.m. to 5:00 p.m.; check-in begins at 8:30 a.m., each day • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book and lunch:** \$1,595.

MUNICIPAL LAW

What Every Municipal Solicitor Should Know About Labor and Employment Law

Spend a day with the attorneys who deal with these issues on a daily basis, including employer and union-side advocates, as well as prominent labor arbitrators.

Credits: 6 CLE credits (5 substantive/1 ethics*) *Must attend entire program to receive ethics credit. • **When:** Simulcast - Friday, November 5, 2010; 8:30 a.m. to 4:30 p.m.; check-in begins at 8:00 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book:** *Early Registration Discount - Member-Pa., or any co. bar assn.: \$249; Member admitted after 1/1/06: \$229; Nonmember: \$269; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$125; Judges & judicial law clerks admitted after 1/1/06: \$115 *Standard Registration - Member-Pa., or any co. bar assn.: \$274; Member admitted after 1/1/06: \$254; Nonmember: \$294; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$150; Judges & judicial law clerks admitted after 1/1/06: \$140; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

REAL ESTATE PRACTICE

Realty Transfer Tax

Take this opportunity to catch up on planning opportunities, and the thoughts of the government personnel who administer these taxes, and new developments in the area of realty transfer law.

Credits: 3 CLE credits (substantive) • **When:** Simulcast - Tuesday, November 9, 2010; 12:00 p.m. to 3:15 p.m.; check-in and lunch begin at 11:15 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book and lunch:** *Early Registration Discount - Member-Pa., or any co. bar assn.: \$229; Member admitted after 1/1/06: \$209; Nonmember:

\$249; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$115; Judges & judicial law clerks admitted after 1/1/06: \$105; *Standard Registration - Member-Pa., or any co. bar assn.: \$254; Member admitted after 1/1/06: \$234; Nonmember: \$274; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$140; Judges & judicial law clerks admitted after 1/1/06: \$130; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

SKILLS TRAINING

Combating Obstructionism at Deposition & Defending Against the Killer Deposition

This one-of-a-kind seminar offers the first comprehensive analysis of those techniques that best counter that obstructionism.

Credits: 4 CLE credits (substantive) • **When:** Thursday, November 18, 2010; 12:00 p.m. to 4:15 p.m.; check-in and lunch begin at 11:30 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition includes course book and lunch:** *Early Registration Discount - Member-Pa., or any co. bar assn.: \$249; Member admitted after 1/1/06: \$229; Nonmember: \$269; Paralegals attending with an attorney: \$99; Paralegals attending alone: \$129; Judges & judicial law clerks: \$125; Judges & judicial law clerks admitted after 1/1/06: \$115; *Standard Registration - Member-Pa., or any co. bar assn.: \$274; Member admitted after 1/1/06: \$254; Nonmember: \$294; Paralegals attending with an attorney: \$124; Paralegals attending alone: \$154; Judges & judicial law clerks: \$150; Judges & judicial law clerks admitted after 1/1/06: \$140; *Registrations received more than 2 days before the presentation qualify for the Early Registration Discount.

TECHNOLOGY UTILIZATION

Intellectual Property Loss Beyond the Corporate Perimeter, and Using the Computer Fraud and Abuse Act to Combat It

This program will address security issues caused by employee behavior, including employees unknowingly sharing an entire hard drive or folder through Peer-to-Peer (P2P) file-sharing networks. It will also address how Computer Fraud and Abuse Act issues may arise.

Credits: 1.5 CLE credits (substantive) • **When:** Wednesday, November 17, 2010; 8:30 a.m. to 10:00 a.m.; Registration: 8:00 a.m. • **Where:** PBI Professional Development Conference Center, Heinz 57 Ctr., 7th Fl. • **Tuition:** \$45.00 for ACBA Members; \$60.00 for Non-ACBA Members.

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