

LAWYERS JOURNAL

Mark Hornak sworn in as U.S. District Court judge

by Tracy Carbasho

Becoming the newest federal judge for the Western District of Pennsylvania was the proudest moment of Mark Hornak's career, but he has a knack for keeping things in perspective.

"When I heard about his confirmation, I called him to express my joy. On one of the biggest nights of a glittering career, when many others might have been out celebrating and receiving the adulation of professional colleagues, Mark had taken his kids to the mall because they needed sports equipment for an upcoming tournament," said Laura Ellsworth, partner in charge of the Pittsburgh office of Jones Day. "Putting others first, doing the right thing, and never losing perspective—that's Mark."

Hornak was confirmed by the U.S. Senate in October and sworn in on Nov. 21. Prior to taking his position on the bench, he had served as an executive

shareholder practicing civil litigation along with labor and employment law at Buchanan Ingersoll & Rooney.

His career has been impressive and he is well regarded for his legal skills, but he is just as recognized for being genuinely humble. In fact, colleagues believe humility is one of his greatest strengths.

"That humility allows him to translate his sheer intellect into true wisdom. He is a person who will do justice in the real world, not in an ivory tower," said Ellsworth. "At the same time, he has a true love and respect for the rule of law and will never allow personal views to intrude on doing what is right and fair under the law. I have no doubt that he will work hard and do justice with wisdom, impartiality and compassion for all who come before him, being faithful to the law in all he does."

Louis Kushner, a senior partner at Rothman Gordon who has known

Hornak for more than 25 years, can't imagine a better person being chosen to serve on the federal bench.

"He has integrity, he's a scholar, and he is just a nice person who cares about people," said Kushner. "He has the right temperament to be a judge because he is thoughtful and understands that there are different points of view."

"On most occasions, he and I were on opposite sides and I never heard him utter a harsh word or act as anything other than a consummate professional," he added. "He was a strong advocate for his clients, but he was always professional and could understand the other side's position, which is a trait that helps with problem-solving. He will serve well as a federal judge."



Mark Hornak
U.S. District Court Judge

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Cynthia Eddy sworn in as federal magistrate judge

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PHOTO BY DREW HARDMAN

Judge Cynthia Eddy was sworn in as a federal magistrate judge in a ceremony on November 21.

by Tracy Carbasho

Cynthia Eddy's reputation for having all of the characteristics necessary to be a skilled judge was recognized long

before she took her position on the federal bench.

Eddy, who was sworn in as a federal magistrate judge in November, was chosen to fill the vacancy created

when Judge Cathy Bissoon was confirmed for a seat on the U.S. District Court for the Western District of Pennsylvania. Both women had to wait nearly a year before making the move to their new roles.

Although Bissoon was nominated by President Obama in November 2010, the transition to a new Congress delayed the confirmation process until October.

"I have known of Judge Eddy much longer than I've actually known her. Nonetheless, I have spent a tremendous amount of time with her over the last several months as we both awaited word on my confirmation," said Bissoon. "We have become friends. It was through the Senate process that I learned that Judge Eddy is patient, a trait that cannot be taught, but one that is critical to our role as judges and public servants."

"Even with her own career on hold while she waited, Judge Eddy was poised and dignified throughout," she added. "That patience will too often be tested in our system, but I have every confidence that Judge Eddy will handle herself with the same level of dignity and with an even temperament."

Bissoon said Eddy, who is a former federal prosecutor, will make an

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LAWYERS JOURNAL

The *Lawyers Journal* is published fortnightly by the Allegheny County Bar Association
400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Editor: 412-402-6623/jpulice@acba.org
Advertising: 412-402-6686/plewis@acba.org
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Fax: 412-261-6438
www.acba.org
Circulation 6,222
© Allegheny County Bar Association 2011
Editor-in-Chief: Hal D. Coffey, Esq.
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Supervising Editor: David A. Blaner
Advertising Coordinator: Peggy Lewis
Graphic Artist: Jessica Wysocki
Proofreader: Sharon Antill

■ The *LJ* editorial policy can be found online at www.acba.org.

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January 2012
Thomas Hollander412-922-8499
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MARK HORNAK
continued from front cover

Hornak said being appointed by President Barack Obama with confirmation from the Senate was a very humbling experience, but he is anxious to begin serving.

"Redeeming the faith that they have placed in me to serve with fidelity to the law is a very tall order and will be my focus over the years to come," he said. "I was very honored that our Pennsylvania senators recommended me to President Obama and then supported my nomination. I am grateful for the support and confidence of my colleagues in the bar and members of our larger community."

U.S. Sen. Pat Toomey, a Republican who represents the Commonwealth, said Hornak's experience will be an asset to the court.

"Throughout his career, he has been a careful student of the law and

he has demonstrated an intellectual curiosity and a commitment to integrity, which I know will serve him well," said Toomey.

After graduating from the University of Pittsburgh School of Law, Hornak served as a law clerk to U.S. Circuit Court Judge James Sprouse. This experience was a catalyst for his interest in serving on the bench.

"Judge Sprouse and his colleagues were a first example to me of the important role that our federal courts play in our Constitutional system and of the special opportunity for public service that being a judge could provide," said Hornak. "I look forward to serving the people of the United States as a member of our federal court."

He joined Buchanan Ingersoll and Rooney in 1982 as an associate and spent his career serving the needs of both his clients and the firm. He has served as chairman of the firm's Labor and Employment Law Section,

the Hiring Committee, the Committee for Effective Government, and the Compensation Committee in addition to being a member of the board of directors.

"We are thrilled for Mark to take on his new role as a federal judge, but there is no doubt he will be dearly missed as part of the firm," said Buchanan's Chief Executive Officer Jack Barbour. "Mark has been an integral part of our success. His contributions will continue to strengthen our culture long after he takes his oath of office."

Hornak also served as the solicitor for the Sports & Exhibition Authority of Pittsburgh and Allegheny County, which owns PNC Park, Heinz Field, the David L. Lawrence Convention Center, and the Consol Energy Center. He has represented municipalities and government officials in constitu-

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PRESIDENT'S MESSAGE

Take a moment to appreciate the things that matter



Howard Schulberg
ACBA President

by Howard Schulberg

At this time of the year, we can get so busy and stressed trying to close out the year and celebrate the season that it's easy to forget to appreciate and savor the things that really matter

in our lives. While each of us has our own unique reasons to be thankful, I hope you'll take a moment to reflect on how special it is to live and practice law in this community.

Pittsburgh is a special place. Not only is it a cultural, sports, and high-tech mecca, it's one of the friendliest places you will ever encounter. While we may occasionally complain about the weather or the traffic (and the tunnels!), is there any doubt that we all enjoy living here? Take a moment to appreciate this great city.

Based on how delightful our region is, perhaps it's not surprising that our business community has followed suit. Look at the respected corporations and ambitious start-ups which choose to make this region their home. Our non-profit and charitable organizations have created a culture of philanthropy that has been passed down from generation to generation. What other city of this size has the energy, sophistication, and creativity that our region's companies, foundations and enterprises generate? Take a moment to appreciate our business and charitable communities.

Then there is our judicial system. Our local federal and state courts are well-run, efficient, and provide litigants with equal and timely access to justice.

Our judges are engaged and involved in the legal community. Due to the excellent relationship between the bench and the bar, we have many opportunities throughout the year to exchange ideas and continue to improve the delivery of justice. Is there a better place to seek justice? Take a moment to appreciate our courts.

Let's not forget the legal community of which we are all a part. Professionalism, collegiality, and courtesy are the hallmarks of the practice of law in Allegheny County. We are zealous advocates for our clients without losing sight of the importance of treating our opponents with respect. You only have to experience handling a matter with lawyers from another city to learn just how different things are here in Allegheny County. We also gain so much from those professionals with whom we work. Through our daily interaction we have the ability to become a mentor, be mentored, share ideas, help shape our practices, discover new interests and listen to different points of view. Haven't you benefited from working with other Allegheny County attorneys? Take a moment to appreciate the practice of law in Allegheny County.

While we are talking about the workplace, give some recognition to the people who help you every day. We

are able to better perform because of the dedication, loyalty and hard work of our assistants, secretaries, paralegals, office managers, and many others who devote their day to making us more efficient. Where would we be without them? Take a moment to appreciate the people who work with you.

Last but not least, there is the Allegheny County Bar Association. It is one of the best professional organizations in the country. It provides us with a forum to exchange ideas among colleagues, judges, and other professionals. The ACBA's multitude of Sections, Divisions, and Committees allow us to find common interests, explore new opportunities, and become involved in a meaningful way with those bar activities that we are passionate about. We are also fortunate to have a superior professional staff at the ACBA who help us in so many ways, often unseen. I'll save my accolades about just how great they are for another column. Take a moment to appreciate the benefits of being involved with the Allegheny County Bar Association.

I have another reason to be grateful. Thank you for allowing me the privilege of leading this wonderful organization.

One final thing. Thanks for taking the time to read this. HAPPY HOLIDAYS! ■

MARK HORNAK
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tional and civil rights litigation and has also advised public school districts on employment and education legal matters.

Hornak's practice has also involved representing national television, radio and publishing clients in media litigation, including defamation, First Amendment, and access issues, as well as transactional matters.

He has also served as a special master and mediator in more than 150 class action, employment, and general civil litigation matters. Hornak believes his service as a mediator under the U.S. District Court's Alternate Dispute Resolution Program helped prepare him to be a judge.

"In addition, my legal practice involved a number of areas, including civil litigation; labor and employment law with client counseling, union negotiations, and employment litigation; the representation of broadcasters, authors, and publishers; and the representation of government officials and agencies," said Hornak. "I also believe that serving on my local school board gave me an appreciation for the legislative process and appropriate recognition of the role and work of the elected branches of government."

Hornak said the most difficult aspect of transitioning from being an attorney to serving on the bench is the wide sweep of topics in both civil and criminal cases. Fortunately, he believes his new colleagues will be good mentors and he will call on their

experience as he makes the transition.

He also plans to use the advice that has been given to him by various judges. The words of wisdom that he has received include: "Take your time. Be prompt, but don't hurry. Courtesy and patience are always important. Be more prepared than the lawyers. Remember that people will be people. Don't confuse what you do with who you are."

He believes there will be many rewarding facets of his new job.

"The opportunity to serve the people of the United States and the rule of law for the rest of my life will be very rewarding," said Hornak. "I will confess that as a grandchild of immigrants, I am very much looking forward to my first opportunity to preside at a naturalization ceremony

as we welcome new members into our national family.

"For the litigants, there really are no routine matters. I suspect that they hope being in federal court is a once-in-a-lifetime experience for them," he added. "Their life's work or savings, their business, their careers or even their life and liberty are on the line. All of that sets the highest bar for the work of a judge."

Embarking on a new phase of his career requires a certain amount of balance between work and family. Hornak has a quick answer to how he has been able to maintain that balance over the years as a busy attorney.

"By having the most patient family on the face of the Earth."

He and his wife, Beth, have five children. ■


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Gary Hunt receives 2011 Civil Litigation Professionalism Award



PHOTO BY MARLENE ELLIS

Gary Hunt was honored with the 2011 Professionalism Award at the Civil Litigation Section annual Lunch with the Judges program on October 20, 2011. From left to right, Stan Parker, Gary Hunt, and Jeff Leech.



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by Tracy Carbasho

Gary Hunt has received the highest accolade that can be bestowed upon a civil litigator: praise from opposing counsel.

Attorneys who have gone head-to-head with Hunt say they can think of no one more deserving of the 2011 Professionalism Award from the ACBA Civil Litigation Section.

"Although Gary is a zealous advocate, he has never made any litigation matter in which I have been involved a personal feud about the lawyers," said Ronald Hicks, Jr., a partner at Meyer, Unkovic & Scott. "Instead, he recognizes the litigation for what it is and knows that his role is to be an advocate for his client's position while remaining civil, respectful, and professional with opposing counsel."

Hicks describes Hunt, a shareholder at Tucker Arensberg, as one of the most talented lawyers against whom he has served as opposing counsel. He pointed out Hunt's ability to address disputes in a professional manner, even though both sides may not agree on every point.

Frank Salpietro, a partner at Rothman Gordon, has known Hunt for approximately ten years, but was aware of his reputation as an exemplary attorney long before he met him.

"Too often, the special responsibility of our position as members of the bar yields to the economic pressures of obtaining and maintaining clients," said Salpietro. "This, in turn, fosters a belief among some of our colleagues that they must meet a client's television-induced expectation that a good lawyer is one who must destroy the opponent and take no prisoners in the process.

"Gary is from an increasingly rare breed of lawyers that still adheres to the idea that the practice of law involves much more than winning at any cost," he added. "However, he's not afraid to stand toe-to-toe when necessary."

Salpietro and Hunt have been on opposite sides of the courtroom on some very interesting and contentious cases over the past decade. Salpietro is quick to note Hunt's professional temperament when dealing with all parties involved in a case.

"A few years back, Gary stepped into a hornet's nest of litigation after his predecessor withdrew. He handled the remainder of the case and its ultimate resolution in a way that almost made you forget that the parties had been spitting fire at each other for six months," recalled Salpietro. "He earned the respect of my client who still applauds Gary for convincing his client to do the right thing."

Stanley Parker, a shareholder at Buchanan Ingersoll & Rooney who chairs the Civil Litigation Section, said Hunt was chosen to receive the Professionalism Award not because of his contributions solely to the Section, but because of what he has contributed to the overall profession.

"He has contributed greatly to the legal community in Allegheny County and he leads by example with everything from being a former chair of the Section to eventually serving as president of the Allegheny County Bar Association," said Parker. "He is highly reputable and trustworthy as a zealous advocate who is respected by his peers and the judges."

The award was presented to Hunt during the Section's annual Lunch with the Judges event which was held in October at the Duquesne Club.

Hunt has been a member of the Section for about 35 years and has

served in a variety of positions, including treasurer, secretary, and vice-chair before becoming chair. During his tenure on the Section's Council, he organized numerous events, such as the annual meeting/ holiday party, a membership drive, and various continuing legal education programs.

"Through my active involvement in the Section, I have developed relationships that have lasted for decades," said Hunt. "The Section also provides a forum for discussion of issues of concern to all civil litigators and judges, an opportunity to interact with members of our judiciary, and a vehicle for trying to affect positive change. The areas in which I have tried to make a difference are in my advocacy for gender equity, racial diversity, legal professionalism, and pro bono work, particularly for children's needs."

Hunt said the award means a great deal to him and has special significance because he knows many of the previous winners.

"Knowing the previous awardees and knowing of their reputation in the legal community and the broader Allegheny County community gives the award special meaning to me," he said. "There are many lawyers in our legal community who are equally or more deserving of the award. However, to be among the select group that has been recognized with this award is a rare honor. It also means a great deal because the award has been given in the past to lawyers who are generally recognized as leaders in the legal profession and in the community. To have my name listed among those names is a true honor."

Previous winners have included Vince Grogan, Dennis Harrington, Seymour Sikov, David Fawcett, Lester Zittrain, Jay Feldstein, John Bingler Jr., Michelle Lally, G. Daniel Carney, Judge Nora Barry Fischer, Paul Titus, Ruth Zittrain, and John Gismond.

Award recipients must be a member of the Section, have at least 15 years of experience in civil litigation, and have exhibited the qualities of professionalism throughout their career.

Hunt exceeds the criteria, but has plenty to say about the professional behavior of the entire legal community.

"I have been the beneficiary of the professionalism that is the standard in this community my entire legal career. As a young lawyer, I learned from more experienced lawyers even if they were opposing counsel because it was and is an expectation in this legal community that the more experienced lawyers will help show the ropes to newer lawyers who are willing to learn," said Hunt.

As a commercial litigation attorney, Hunt's practice consists primarily of federal and state court litigation, arbitrations, and alternate dispute resolution proceedings. A large portion of his practice involves multi-party claims, including class-action litigation. He has represented individual and corporate clients in many different types of litigation and also has an active mediation practice.

He has served as lead counsel in complex cases involving officers and directors; corporate disputes; utility and natural resource matters; trade secret issues; contract disputes; lender liability and other financial institution litigation; employment litigation; major construction, design, engineering, and environmental litigation; RICO litigation; and class-action lawsuits.

Nation's first online training for Veterans Courts mentors launched by Supreme Court of Pennsylvania

by Art Heinz

The Supreme Court of Pennsylvania has joined state and national veterans' groups in seeking volunteers to assist former servicemen and servicewomen who come into contact with the criminal justice system.

Chief Justice of Pennsylvania Ronald D. Castille and Justice Seamus P. McCaffery joined Michael Moreland of the U.S. Department of Veterans Affairs and representatives of Robert Morris University at the Pennsylvania Judicial Center in outlining plans to recruit mentors in support of the state judiciary's expanding number of Veterans Courts. Judges in those courts assign mentors to provide support and guidance to veterans caught up in the court system who are struggling with drug/alcohol, mental health and other difficulties. Pennsylvania currently has eight Veterans Courts in operation. Three additional counties have announced plans to form Veterans Courts, and at least

four more courts are expected to open in 2012.

As part of the recruitment drive, it was announced that an online training program, believed to be the first of its kind in the nation, has been launched to enhance access and increase the number of people wanting to become trained as mentors. The program was developed by AOPC staff and is being hosted at no cost to the state court system by Robert Morris University, which also has agreed to manage the site.

"Our nation has a commitment to provide whatever help we can to the brave men and women who have served our country," Chief Justice Castille said. "This new online training program will make it easy and convenient for veterans to be part of a program to come to the aid of their fellow veterans who encounter difficulties when they return home from service. I am enormously grateful for the work of Robert Morris University in helping us develop something for

Pennsylvanians that ultimately could serve as a role model for veterans' courts nationwide.

"The Supreme Court extends its gratitude to Justice McCaffery for his continuing leadership in the court system to make Veterans Courts a reality in our court's efforts to repay these veterans for their service to this nation."

The call for volunteers and the announcement of the first-of-its-kind training program came after a meeting of the Veterans Justice Statewide Task Force, an advisory group whose 28 members include each of Pennsylvania's three branches of state government. The Task Force's judges, legislators, and the directors of the state's Veterans Administration Medical Centers operates under the auspices of the Veterans Justice Partnership and oversees programming for veterans in the criminal justice system.

"This collaboration will broaden the pool of potential mentors who can help veterans with the transition to

civilian life," Justice McCaffery said. "Pennsylvania's Veterans Courts program has a proven track record of delivering positive results for veterans, the criminal justice system, and our communities."

Pennsylvania's Veterans Courts present an option for military veterans, charged with nonviolent crimes, to get supervised substance abuse or mental health treatment in addition to being held accountable for their actions. Pennsylvania has more than one million veterans statewide—including both Chief Justice Castille, a decorated combat veteran who served in the Marine Corps in Vietnam, and Justice McCaffery, whose 40-year military career included 17 years in the Marine Corps and 23 years in the Air Force Reserve before retiring as a colonel.

More information about Veterans Court mentorship (and an application form) is available on the Pennsylvania judiciary's website at <http://veterans.pacourts.us>. ■

CYNTHIA EDDY

continued from front cover

excellent magistrate judge because she is also smart, hard-working, and intellectually curious.

Eddy said her varied experiences throughout her career have prepared her to serve as a judge. Her achievement-packed career includes serving as a clerk for federal court judges, practicing with a large civil law firm, serving as an Assistant U.S. Attorney and having her own law firm specializing in criminal defense.

"My background as both a prosecutor and a defense attorney provides a good foundation for important functions, such as approving federal search warrants and setting bond in criminal cases," said Eddy. "While serving as an Assistant U.S. Attorney and interacting with the federal court on a daily basis, I realized that my goal was to become a magistrate judge for this court."

When U.S. District Court Chief Judge Gary Lancaster announced that Eddy had been selected, he emphasized that

she has been successful throughout her career and the federal judges were unanimous in their belief that she would make "an excellent judge." She was chosen by the district judges from a list of potential candidates compiled by a merit selection panel of attorneys and lay individuals.

Eddy said her transition to the bench has been very smooth largely as a result of her familiarity with the federal court, along with the dedication and experience of her law clerks and the courtroom deputy.

"I received good advice from several judges. For example, Judge Donetta Ambrose gave me a copy of a speech that she had written for a group of young lawyers who had just been admitted to practice law," said Eddy. "In her speech, she stated: 'The way we will keep our profession strong and ensure the public's confidence in our work is if each of us commits to work for justice.'"

"My law clerk told me that Judge Carol Mansmann's favorite quote about justice was from Albert Einstein

who said, 'In matters of truth and justice, there is no difference between large and small problems—because issues concerning the treatment of people are all the same,'" she added. "Judge Philip Ignelzi advised me that the best way to administer justice in my work is to never let the cases become just names on a piece of paper or numbers on a docket sheet. Judge Bissoon told me to remember that I was selected for this position because of my personal attributes and that I should never change who I am."

Eddy is looking forward to playing a role in the criminal justice system and assisting parties in the settlement of civil disputes.

She said the most demanding part of the job so far has been keeping up with the demands of criminal duty and not knowing in advance when the court will be needed for matters such as approving search warrants. She has found that the best way to cope is by being flexible.

"In addition, the U.S. Attorney's Office has been very accommodating

in providing me with as much advance notice as possible in those situations," she said.

Coping with a busy legal career is also easier with the constant support of her husband, John, and the understanding of her children and friends.

Prior to starting her service on the bench, Eddy was a partner at Johnson & Eddy for 11 years. She specialized in litigation, including criminal defense, commercial civil litigation and appellate work, federal criminal representation, and internal corporate investigations.

In 1999 and 2000, she was an assistant special prosecutor for the Supreme Court of Pennsylvania. She was a sole practitioner from 1998 to 2000, focusing on internal corporate investigations, criminal defense, and tax controversy work.

Eddy was a director at Cohen & Grigsby from 1996 to 1998 and an assistant U.S. attorney in Pittsburgh from 1991 to 1996. While working in the U.S. Attorney's Office, she handled

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Another Side of Attorney Bernie Tully

In addition to personal injury* law, Attorney Tully has represented defendants in criminal cases for over 25 years. If you have a client who needs help or has questions on any criminal matter, please feel free to call me.

All calls/cases are strictly confidential.

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ACBA leaders make legislative visit to Harrisburg on Oct. 17-18



CONTRIBUTED PHOTO

ACBA leaders visited Harrisburg on October 17-18 to discuss issues of relevance to the legal community with legislative leaders. (From left to right) ACBA President Howard Schulberg, ACBA Executive Director David Blaner, Representative Matt Smith, ACBA PAC Chair Megan Ott, and ACBA President-elect Mark Vuono.

by Susan Jacobs Jablow

A contingent of leaders from the Allegheny County Bar Association visited Harrisburg on October 17 and 18 to lobby legislators about issues of importance to the bar. The visit was one of two trips that leaders make annually to develop working relationships with state senators and representatives.

For this visit, the ACBA was represented by President Howard Schulberg, President-Elect Mark Vuono, Executive Director David Blaner, and Megan Ott, who chairs the ACBA Political Action Committee.

"We met with a significant number of legislators on both the Democratic and Republican sides," said Vuono.

The ACBA delegation arrived in Harrisburg on the evening of October 17 and had an informal dinner with Senator Jay Costa and Representatives Dan Frankel and Matt Smith, who represent western Pennsylvania. The following day was packed with meetings with other legislators, including leaders of both houses. Some meetings were scheduled, and others were impromptu, arranged by dropping into the legislators' offices or meeting them in office corridors.

While the purpose of the visit was primarily to open lines of communication between the ACBA and the state legislators, the delegation also spoke about the importance of preserving requirements for publishing legal notices. Such announcements make information available to the public and also provide an important source of revenue to the ACBA.

"We're always interested in preserving the public's right to know," said Vuono.

The delegation also addressed the issue of funding for the Juvenile Court Project, which provides civil legal services to parents involved in juvenile proceedings. The current state budget cut funding for this project, thus reducing the number of attorneys and social workers available to provide services to indigent parents. Even before the cuts, the case load for attorneys in the juvenile court system was overloaded, and the cuts made the situation even worse.

"Even at full staffing, there is an overwhelming case load," said Vuono.

The delegation asked the legislators to restore the project's previous funding level. While the General Assembly has not yet acted on either of these matters, the ACBA contingent called their visit a success.

"I thought it went very well," said Schulberg, who has been to Harrisburg representing the ACBA on previous occasions. "We had good contact and very positive responses."

Ott agreed that the trip went well. "The delegation worked well together," she said. "We used our unique backgrounds and strengths to present the ACBA's position on matters to our best advantage."

The goal of the bi-annual trip to Harrisburg is to keep legislators aware of issues of importance to the ACBA and to connect names with faces, which enhances dialogue on both sides.

"It takes it from the abstract and puts it into the real world," said Schulberg.

That ongoing relationship is crucial when the General Assembly addresses issues of critical importance. For example, a few years ago, the GA was considering a sales

tax on legal services. The ACBA lobbied against the tax successfully, and the association's working relationship with legislators was essential to getting their attention. In addition to the bi-annual visits, the ACBA has a paid lobbyist who works in Harrisburg who facilitated the October meetings.

"When we have a crisis situation, we're not strangers up there," said Vuono.

Overall, the group agreed the visit was time well-spent.

"The legislators were gracious with their time and were certainly engaged with us," said Ott. "These meetings further a dialogue with our elected officials. By traveling to Harrisburg twice a year, we make sure that the ACBA's issues stay in front of the legislators. They remember us and know that we are invested in the legislative process." ■

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FOR A LISTING OF NEW ALLEGHENY COUNTY COURT OF COMMON PLEAS CASES WHICH APPEAR IN THE ONLINE PLJ OPINIONS, PLEASE SEE PAGE 2.

DIVERSITY SPOTLIGHT

Buchanan Ingersoll & Rooney

by Susan Jacobs Jablow

Inclusion and diversity in the workplace were the major focus of a retreat hosted recently by Buchanan Ingersoll & Rooney for its attorneys of color and firm leaders. On October 21, the firm held a day-long conference that brought together attorneys of color from its various offices with law firm leaders at the firm's office in Philadelphia.

"They are working to make diverse attorneys feel valued," said Alysia Keating, Director of Diversity and Gender Equality for the Allegheny County Bar Association.

The retreat offered attorneys of color the opportunity to meet directly with Buchanan Ingersoll leaders and clients, and emphasized opportunities for growth and professional development within the firm. "All of that works toward creating an inclusive environment where people feel welcome and want to stay," said Keating.

Chris Amar, an attorney in Buchanan Ingersoll's Pittsburgh office, was an organizer and participant in the retreat.

"It was a very positive experience," he said. "I left feeling even better about being a member of the firm."

Amar is of both Indian and Chinese descent. When he moved to Pittsburgh from Washington, D.C. a couple of

years ago, he felt welcomed at Buchanan Ingersoll, and said the firm is known for its warm environment. The retreat enhanced that feeling. "It was an expression of the firm's commitment to be a diverse and inclusive place to work," he said.

Altogether, more than 20 attorneys attended the retreat, along with Chief Executive Officer John Barbour and other leaders and executives. Two diversity specialists facilitated the program.

During the first half of the day, the diverse attorneys were split into small groups for sessions of "speed networking." Each group of attorneys was given eight minutes to meet with the firm's leaders, who were also divided into small groups. Over the course of 75 minutes, each attorney had the opportunity to meet and interact with all the firm's leaders.

"Engaging firm leaders in the process makes employees feel valued and is crucial for success in this area," said Keating.

Even if a firm makes a concerted effort to recruit attorneys of color, if those attorneys don't stay at the firm in the long term, it can be difficult to build diversity. "Achieving that critical mass is really the hardest thing," said Amar.

Retreats such as this one are aimed at enhancing the workplace

atmosphere so that attorneys of color want to stay to advance their careers. During the afternoon of the retreat, a panel of the firm's clients spoke about their commitment to work with diverse law firms. One reason for that, said Amar, is that inclusive firms tend to be stronger places.

"It was an opportunity to hear from the inside what companies are looking for," he said.

The emphasis on inclusion did not end with the closing of the retreat. Barbour, the CEO, has appointed a committee consisting of participants at the retreat and others to formulate a diversity plan for the firms.

"These are the types of initiatives that will bring value not only to the individual firm, but to the legal community as a whole," said Keating. "It's a good example of what firms could be doing in this effort." ■

The Diversity Spotlight highlights work that firms, organizations, and individuals are doing to create opportunities for diverse attorneys. If you know of a firm, organization, or individual who should be featured, please contact Alysia Keating, Director of Diversity and Gender Equality, at 412-402-6658 or akeating@acba.org.

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Vuono & Gray wins ACBA Soccer League championship



PHOTO CONTRIBUTED BY CHARLES GRUDOWSKI

The ACBA Soccer League recently completed its 2011 season, crowning the team from Vuono & Gray champion. Games were played on Sundays in Monroeville Municipal Park from September through November.


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Use of “English-only” policies subject of disagreement between govt. agencies

by Maria Greco Danaher

The U.S. Commission on Civil Rights (USCCR) has posted a report which recommends that the Equal Employment Opportunity Commission (EEOC) modify its position that the use of “English-only” policies is a presumptive violation of Title VII of the Civil Rights Act. See EEOC’s guideline at 29 C.F.R. §1606.7 (2010). This report sets up an interesting dichotomy in the analysis of such policies by two governmental agencies, both of which ostensibly were formed primarily to insure civil rights.

While most individuals are aware of the existence of the EEOC, fewer have heard of the USCCR and its mission. The USCCR was established under the Civil Rights Act of 1957 as an independent, bipartisan, fact-finding federal agency. Its mission, according to its website, is “to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws.” It does so by reviewing alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. The agency

plays a vital but widely unrecognized role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern both to the federal government and to the public.

Although the USCCR has been referred to as a civil rights “watch dog” that works to ensure that the federal government is enforcing civil rights laws fairly and evenhandedly, the original Commission was not configured to act as such. Originally, all of its members were appointed by the President and were subject to dismissal at any time. Also, because the Civil Rights Act first came into effect in 1964, the early USCCR had no actual civil rights laws to oversee. However, in recent years, the agency has published significant studies and reports on a wide range of the civil rights, including co-worker violence and bullying, race neutral enforcement of the law, and even human trafficking.

The USCCR’s recent report on English-only rules stems from a conference held in December 2008 at which the issue was discussed and analyzed at length by a number of experts in the field. A transcript of the conference and resulting briefing,

which was carried live on C-SPAN, is available on the Commission’s website www.usccr.gov and by request from the Publications Office, U.S. Commission on Civil Rights, 624 Ninth Street, NW, Room 600, Washington, D.C. 20425, 202-376-8128. Based on the testimony provided by panelists, and on discussion with Commissioners, the USCCR adopted findings and recommendations on various courts’ acceptance or rejection of the EEOC guidelines, the potential reasons, both good and bad, behind employer English-only policies, and actions the EEOC and Congress might take to clarify and improve the state of the law as applied to English-only policies under Title VII.

The USCCR’s primary recommendation stemming from the conference is that the EEOC’s guideline at 29 C.F.R. §1606.7 should be withdrawn, and that instead, employers and employees should be informed that English-only policies should be

prohibited only when it can be shown by a preponderance of evidence that the policy was adopted for the purpose of harassing, embarrassing, or excluding employees or applicants for employment on account of their national origin. This view could indicate a subtle shift in the burden of proof in cases involving English-only policies. Under the EEOC’s guideline, an English-only policy is presumed to be violative of Title VII unless the employer can show that the policy was enacted for a legitimate business reason; under the USCCR’s interpretation, an employee would have to show evidence of the purpose for which the policy was enacted, and prove that such evidence contravened Title VII.

Employers who have considered the implementation of an English-only policy should be aware that this issue has come into the limelight, and that further discussion and/or proposed legislation is possible. ■

STORY IDEAS WANTED

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

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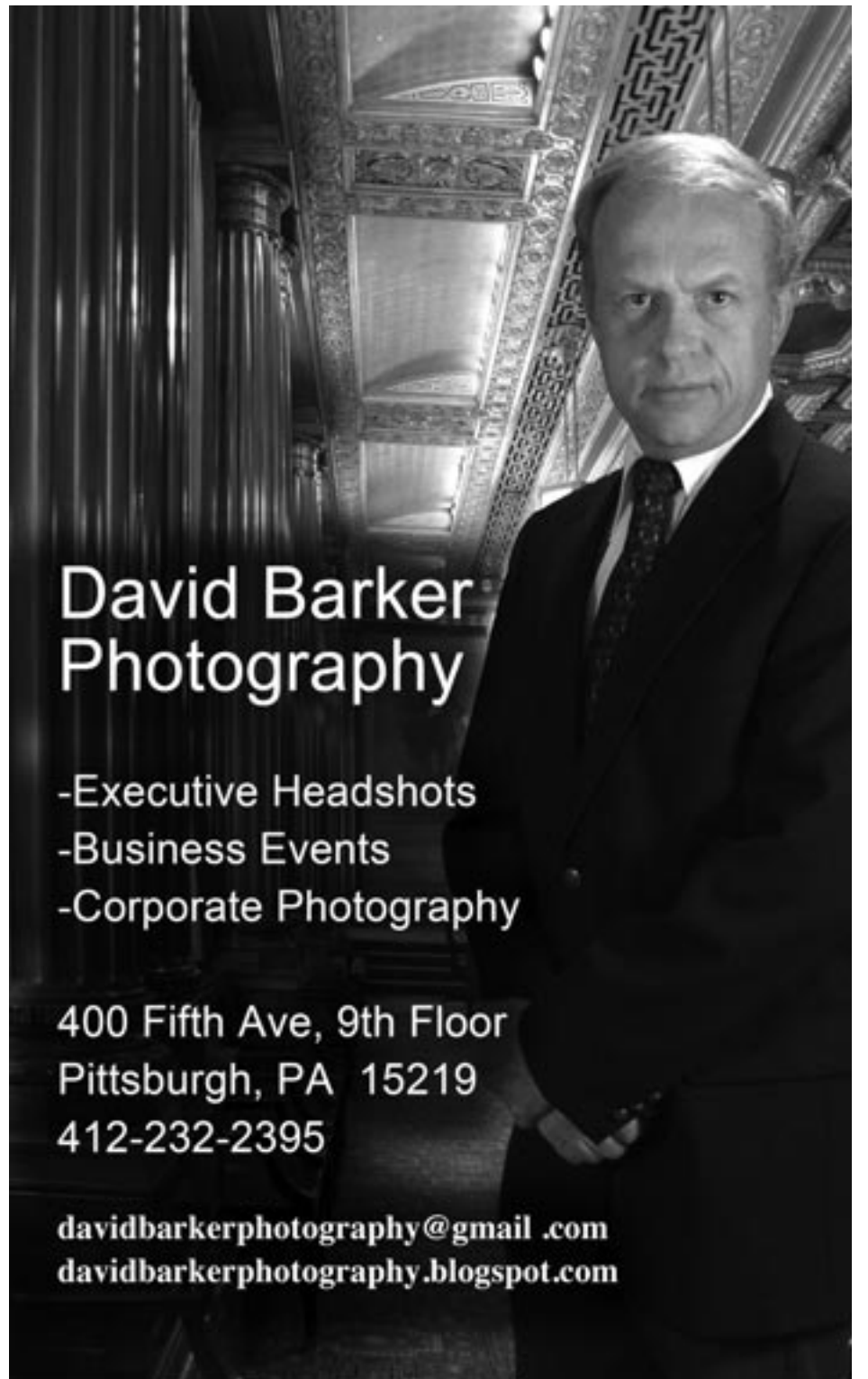
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News and Notes

Leech Tishman Fuscaldo & Lampl, LLC is pleased to announce that firm partner Steven D. Irwin has been elected to serve on the International Board of Directors for the North American Securities Administrators Association (NASAA). Irwin is a member of Leech Tishman's Management Committee and serves as Chair of the firm's Government Relations Practice Group.

People on the Move

Pepper Hamilton LLP has announced that two associates have joined the firm's Pittsburgh office. John B. DiMascio has joined the firm as an associate in the firm's Corporate and Securities Practice Group. Stephen W. Kiefer has joined the firm as an associate in the firm's Construction Practice Group.



Benjamin Basista



Theresa Cignetti



Lyle Washowich

Burns White LLC has announced the promotion of three attorneys to member status: Benjamin Basista, Theresa Cignetti, and Lyle Washowich. Basista's area of focus is in addressing Medicare compliance issues in workers' compensation, general liability, and Federal Employer Liability Act claims. Cignetti has specialized in workers' compensation issues and litigation, representing both self-insured companies and insurance carriers before workers' compensation judges, as well as the Workers' Compensation Appeal Board. As Co-Chair of the Banking and Financial Services Litigation

Practice Group, Washowich represents a diverse clientele from the financial services, business and manufacturing sectors, handling civil, commercial, and complex litigation matters.



Brittany E. Fleming

Robb Leonard Mulvihill LLP has hired Brittany E. Fleming as an associate attorney, practicing primarily in the area of civil litigation.



Marc J. Felezzola



Meredith A. Odato



Christina Pro

Marc J. Felezzola, Meredith A. Odato, and Christina Pro recently joined Babst Calland as associates. Felezzola will join the Litigation and Construction Services Groups; Odato will join the Environmental, Health and Safety Services and Natural Resources Groups; and Pro will join the Business Services Group.



Michael D. Gagliano

Michael D. Gagliano has joined The Webb Law Firm as an Associate. He is involved in the preparation and prosecution of patent and trademark applications and is part of the Life Science, Mechanical Engineering and Design Patent teams.



Thomas Donahue

New Members

The following individuals were accepted as new ACBA members at the Nov. 15, 2011 meeting of the ACBA Board of Governors: (new members) Douglas C. Allen, Renée S. Atkinson, Kyle R. Bahr, Susan Mosites Bicket, Jeffrey E. Brown, Emily J. Carson, Zachary R. Chromiak, K. Casey Crytzer, Allison M. Diehl, Marc J. Felezzola, Erin B. Friez, Chad P. Garber, Matthew J. Glenn, Marsha C. Grayson, Jamic R. Hall, Ryan A. Hauck, Nicole M. Hauptman, Dennis D. Hayes, Alaina R. Hill, Josef A. Hirschmann, Nataysha M. Horton, Edward J. Humes, Steven E. Irlbacher, Victoria B. Kush, Rebeca F. Linz, Kevin M. Lopez, Karen Marrayshow, Amanda McCracken, Kirsten S. Miniotis, Casey P. Mullen, Brittney L. Pepper, David E. Renner, Erin M. Springer, Daniel J. Thompson, Meghan E. Timmons, Joseph C. Tkocs, Justin M. Tuskan, David C. Weber, Ashley N. Wingard, Yuanyou Sunny Yang, Ashley L. Yeager, and Elizabeth M. Ziegler; (government) Simquita R. Bridges; (legal services) Kristin M. Flory; (associate) Stefanie A. Lepore and Jennifer Powell; (student) Brett M. Anthony, Marco S. Attisano, Tucker D. Bair, Anthony C. Cameron, Meredith H. D'Angelo, Tyler W. DeLuco, Jesse A. Drumm, Andrew Wayne Dunlevy, Holly M. Forsberg, Michael W. Glenn, Erin M. Gormley, Ashley R. Hileman, Sean P. Hvizdzak, Patrick K. Lemon, Stefani A. Lingafelt, Lauren D. McChesney, Sonal Mahendra Modi, Branden P. Moore, David E. Mulock, Christine M. Nelson, Joshua B. New, Joseph H. O'Neill, Steven M. Palmer, Mikhail N. Pappas, Charles W. Phillips, David S. Quinn, Jeremy S. Rivet, LaToya G. Sawyer, William J. Sebelle, Max Slater, and Wesley S. Speary; (reinstated) Patrick M. Connelly, Amanda C. Dew, David T. Donnelly, Christine T. McMillan, and John Thomas McVay.

GARY HUNT
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Hunt, who received his law degree from the University of Pittsburgh, said it would be hard to identify a single case that stands out as being the most significant of his career. From a professional perspective, however, two cases come to mind.

"One was a case in which I represented a local financial institution that sued a financial institution in another jurisdiction because we believed that the other financial institution had facilitated a fraud perpetrated on my client," he said. "The case presented many novel legal issues and we prevailed after a trial. The case became a vehicle for discussion of certain legal issues nationwide.

"In the other case, I represented a family-owned business in an intellectual property lawsuit. It was bitterly contested with counsel from another jurisdiction representing the other party," Hunt recalled. "We prevailed and I was able not only to recover all of my client's damages, but also all attorney fees and a punitive damage award. In both cases, I was able to maintain a professional relationship with opposing counsel, despite the fact that the litigation was very adversarial and the opposing attorneys in both cases were from large metropolitan areas where the standards of professionalism were very different from ours."

When asked what advice he would give to young lawyers about how to maintain professionalism in their work, Hunt said they must always remember the Golden Rule by treating others with the same courtesy and reverence they expect.

"Second, don't posture and threaten. Being well prepared and quietly and confidently advocating for your client will be far more effective and will earn you credibility and respect," said Hunt. "Finally, in most cases, your client's interests are not well served by making every issue into a life-or-death issue. Doing so dilutes the importance of the real issues and will earn you a reputation of being unreasonable both with other counsel and the courts.

"Instead, identify the key issues and vigorously fight for your client on those issues, but negotiate and compromise on the issues that do not substantively affect your client's interests. It is possible to be a vigorous and effective advocate for your client and still be professional and reasonable," advises Hunt. "That is a concept that is not foreign to judges and juries, and they will respond positively to those who conduct themselves accordingly." ■

CYNTHIA EDDY
continued from page 5

the investigation and prosecution of criminal cases, including tax violations and other white-collar crimes.

After receiving her law degree from Washington and Lee University in 1982, she served as a clerk for U.S. District Court Judge Glen Williams of the Western District of Virginia. She then clerked for Judge Perry Shields of the U.S. Tax Court in Washington, D.C., from 1983 to 1985.

A year later, she earned her Master of Law Degree in taxation from Georgetown University Law Center and thought she would spend her career as a tax attorney. In fact, she worked for the next two years as an associate concentrating on corporate tax planning and IRS work at Morgan, Lewis & Bockius in Washington, D.C.

Eddy's job in the U.S. Attorney's Office convinced her that she wanted to eventually become a federal magistrate judge for the Western District of Pennsylvania.

"Going forward, I hope to successfully fulfill the responsibilities of this position," she said. ■

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